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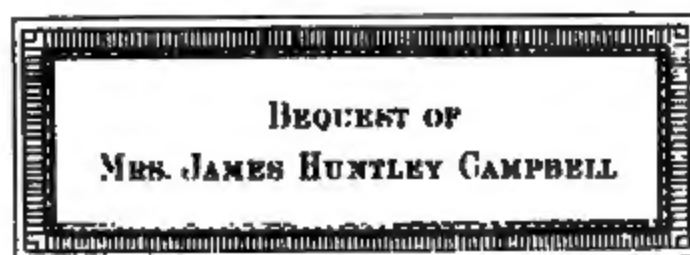
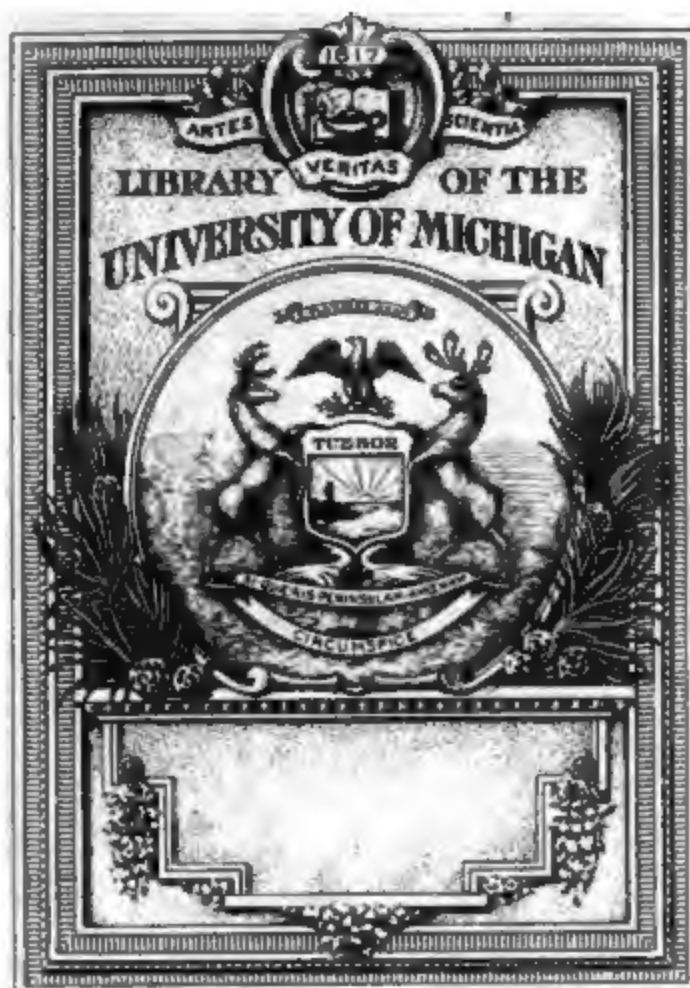
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Michigan Laws, etc. etc.

ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT

THE REGULAR SESSION OF 1857,

WITH AN APPENDIX,

**Containing Certified Statements of Boards of Supervisors relative
to the Erection of New Townships; also, State Treasurer's
Annual Reports for the years 1855 and 1856.**



BY AUTHORITY.

DETROIT:
JOHN A. KERR & CO.

LANSING:
HOMER & VITCH, PRINTERS TO THE STATE.

1857.

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10. 1857
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LAWS OF MICHIGAN.

[No. 1.]

AN ACT to extend the time for the collection of taxes in the township of North Star, in the county of Gratiot.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of North Star, in the county of Gratiot, for the year eighteen hundred and fifty-six, be and the same is hereby extended to the fifteenth day of March next. Time of extension.

Sec. 2. The Treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return any time before the fifteenth day of March next, and said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the said fifteenth day of March next. Duty of township treasurer. Time of return. Warrant continued in force.

Sec. 3. It shall be the duty of the Treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys in his hands collected during the lifetime of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the supervisor of said township, or treasurer of said county. All moneys collected to be paid over. Bond to be renewed.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes returned to the Auditor General. Mode of collecting unpaid taxes, interest how computed.

(This act shall take immediate effect.)

Approved January 22, 1857.

[No. 2.]

AN ACT to provide for the collection of taxes in the township of Brady, in the county of Kalamazoo, for the year eighteen hundred and fifty-six, and to extend the time for the collection thereof.

Tax roll
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Brady, in the county of Kalamazoo, for the year eighteen hundred and fifty-six, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the township treasurer at the time prescribed by law.

Powers and
duties of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return on or before the fifteenth day of March next, and said warrant is hereby revived and continued in full force until the said fifteenth day of March next, and it shall be the duty of said treasurer before he shall be entitled to the benefit of this act to renew his official bond to the satisfaction of the treasurer of said county.

Time ex-
tended.

Sec. 3. That the time for the collection of said taxes be extended to the fifteenth day of March next, and that the said treasurer make return as required by law in other cases, on or before the first day of April next.

Time allow-
ed county
treasurer to
make
return.

Sec. 4. That the county treasurer shall have the same length of time to make his returns to the Auditor General of the delinquent taxes of the said township, after township treasurer returns to him, and the same proceedings shall be had thereon in all respects as is now provided by law.

(This act shall take immediate effect.)

Approved January 22, 1857.

[No. 3.]

AN ACT to extend the time for the collection of taxes in the township of Marshall, Calhoun county.

Warrant re-
newed; in
force, how
long.

SECTION 1. *The People of the State of Michigan enact*: That upon the dissolution of an injunction heretofore issued from the circuit court for the county of Calhoun in chancery against the treasurer of the township of Marshall, in the county of Calhoun, prohibiting him from the collection of certain taxes for the year eighteen hundred and fifty-

six, the supervisors of said township shall be authorized to renew the warrant upon the original assessment roll of eighteen hundred and fifty-six, with the warrant attached, and the same shall be in full force and effect for the period of thirty days from and after such renewal.

Sec. 2. Upon the receipt of said assessment roll with the warrant renewed as aforesaid, the township treasurer shall have the same authority to collect the taxes aforesaid, and it shall be his duty to collect and account for the same in the same manner and with the like power, as he might have done during the original life time of said warrant, had not said injunction been served upon him, and all laws applicable to the collection of taxes, shall apply to and govern his proceedings therein during the said period of thirty days, and until he has accounted for the money so collected. ^{Duty of treasurer.}

Sec. 3. That the treasurer of the township of Marshall is hereby empowered and required to make return of all unpaid taxes remaining upon his tax roll to the county treasurer of said county, within five days after the expiration of the said thirty days, in pursuance of existing laws, and that within thirty days after the expiration of the said five days, the said county treasurer is hereby authorized and required to make returns of said unpaid taxes to the Auditor General in pursuance of existing laws, and the Auditor General is hereby authorized to receive said returns as in other cases. ^{Unpaid taxes, how returned.}

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 22, 1857.

[No. 4.]

AN ACT to amend an act entitled an act to incorporate the members of the Detroit Young Men's Society, altering the time of holding the annual election.

SECTION 1. *The People of the State of Michigan enact*, That section three of an act entitled an act to incorporate the members of the Detroit Young Men's Society, approved March twenty-sixth, eighteen hundred and thirty-six, be amended by striking out of said section three, the word "July" and insert in lieu thereof the word "April," so that the said section as amended will read as follows: ^{Sec. 3 amended.}

Annual
meeting and
election of
officers.

"Sec. 3. There shall be an annual meeting of the society on the first Monday in April of each year, at which shall be held an election of officers and managers, who shall be elected by a majority of the members present, and shall hold their offices for one year or until others be chosen in their places: *Provided*, That in case it shall at any time happen that an election of officers and managers shall not be made on the day aforesaid, the said corporation shall not be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice given in one or more papers printed in the city of Detroit."

(This act shall take immediate effect.)

Approved January 22, 1857.

[No. 5.]

AN ACT to provide for the collection of taxes in the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-six, and to extend the time for the collection of the same.

Tax roll for
1856, legal-
ized.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-six, be and the same is hereby declared to be as legal and valid as if the same had been made out and delivered to the township treasurer at the time prescribed by law.

Time of
extension.

Sec. 2. That the present treasurer of the said township, shall have until the first day of June next, in which to collect and account for the said taxes, and to make returns to the county treasurer of all unpaid taxes, and his said collections and returns shall be in all respects as valid and effectual as if made in the manner and within the time prescribed by law for the collection of the regular annual taxes.

Transcript
of unpaid
taxes to be
returned.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned, shall be collected in the same manner and with the interest computed from the same time as the annual taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

Sec. 4. That nothing in this act shall be construed to prevent the

said township treasurer of said township from making his returns before the said first day of June next, if he think proper to do so.

Sec. 5. This act shall take effect and be in force from and after its passage. To take immediate effect.

Approved January 22, 1857.

[No. 6.]

AN ACT to change the name of Charles Stuart Ehle and Anna Claudine Ehle.

SECTION 1. *The People of the State of Michigan enact*, That the name of Charles Stuart Ehle and Anna Claudine Ehle be and the same are hereby change, the said Charles Stuart Ehle to Charles Stuart Millen and said Anna Claudine Ehle to Anna Claudine Millen.

Approved January 24, 1857.

[No. 7.]

AN ACT to extend the time for the collection of taxes in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*: That the time for the collection of the State and county taxes in the city of Detroit for the year eighteen hundred and fifty-six, is hereby extended until the first Monday of March next. Time of extension.

Sec. 2. The collectors of the several wards of said city are hereby authorized to proceed and collect said taxes as fully as they might have done during the life time of their warrants for that purpose, and to make their returns on or before the first Monday in March next, and said warrants are continued in full force for said purpose until said time. Collectors to collect and make returns.

Sec. 3. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of their warrants as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne. To pay over moneys and renew official bonds.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Return of transcript of unpaid taxes.

Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

Immediate
effect.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 24, 1857.

[No. 8.]

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the village of Jackson, approved April third, eighteen hundred and forty-eight.

Sec. 22,
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of an act entitled an act to amend an act entitled an act to incorporate the village of Jackson, approved April third, eighteen hundred and forty-eight, and the act amendatory thereof, approved February fourteenth, eighteen hundred and fifty-three, be amended by adding at the end of said section twenty-two, as amended, the following: “*And provided also*, That nothing herein contained shall be considered or construed as in any manner abridging or limiting the powers and duties of the common council of the said village, under the provisions of chapter forty-eight of title nine of the revised statutes of 1846, entitled ‘of fire departments in cities and villages,’ but all the provisions of said chapter forty-eight shall be and remain in full force within said village of Jackson,” so that said section twenty-two as amended will read as follows:

Power and
authority of
common
council.

“Sec. 22. The common council shall have power and authority to levy, assess and collect a money tax upon all real and personal property in said village, but such money tax upon said property shall not exceed in any one year one fourth of one per cent. upon the valuation of said real and personal property, and said common council may also assess and collect a highway tax in addition to the money tax aforesaid, not exceeding the rate of one day’s work for every one hundred dollars valuation of said real and personal property, to levy and collect a poll tax upon every male inhabitant of said village above the age of twenty-one years, not exceeding seventy-five cents per annum upon each per-

son so taxed: *Provided*, That whenever the common council shall ^{Proviso.} deem it necessary to raise a greater money tax in any one year than one-fourth of one per cent. upon the valuation of said real and personal property, they shall give at least two weeks' notice in writing of a meeting of the electors of said village, who are property tax payers, to be posted up in at least five public places in said village, and by publication in all the papers published in said village, which notice shall state the time and place of such meeting and purposes for which the money proposed to be raised is to be expended, and when said meeting shall be assembled in pursuance of such notices, said electors shall by a two-thirds vote of those present at said meeting, determine the amount of money which shall be raised for each object specified in the notice: *And provided also*, That such tax shall not in any one year exceed the ^{Proviso.} sum of one thousand dollars: *And provided also*, That not more than ^{Proviso.} two such meetings shall be held in any one year to determine the amount of tax to be raised: *And provided further*, That any person ^{Proviso.} assessed for a poll tax may pay the same by one day's labor upon the streets under the direction of the marshal, who shall give to each person so assessed, notice of the time and place when and where such labor will be required, and the money raised by such poll tax shall be expended in work upon the streets in said village: *And provided also*, ^{Proviso.} That nothing herein contained shall be considered or construed as in any manner abridging or limiting the powers and duties of the common council of the said village, under the provisions of chapter forty-eight, of title nine of the Revised Statutes of 1846, entitled 'of fire departments in cities and villages,' but all the provisions of said chapter forty-eight, shall be and remain in full force within said village of Jackson."

This act shall take effect immediately.

Approved January 24, 1857.

[No. 9.]

AN ACT to provide for the collection of taxes in the township of Burchville, St. Clair county, and to extend the time for the collection thereof.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Burchville, St. Clair county, for the year ^{Tax roll} ~~year~~ ^{legalized.}

Annual
meeting and
election of
officers.

"Sec. 3. There shall be an annual meeting of the society on the first Monday in April of each year, at which shall be held an election of officers and managers, who shall be elected by a majority of the members present, and shall hold their offices for one year or until others be chosen in their places: *Provided*, That in case it shall at any time happen that an election of officers and managers shall not be made on the day aforesaid, the said corporation shall not be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice given in one or more papers printed in the city of Detroit."

(This act shall take immediate effect.)

Approved January 22, 1857.

[No. 5.]

AN ACT to provide for the collection of taxes in the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-six, and to extend the time for the collection of the same.

Tax roll for
1856, legal-
ized.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-six, be and the same is hereby declared to be as legal and valid as if the same had been made out and delivered to the township treasurer at the time prescribed by law.

Time of
extension.

Sec. 2. That the present treasurer of the said township, shall have until the first day of June next, in which to collect and account for the said taxes, and to make returns to the county treasurer of all unpaid taxes, and his said collections and returns shall be in all respects as valid and effectual as if made in the manner and within the time prescribed by law for the collection of the regular annual taxes.

Transcript
of unpaid
taxes to be
returned.

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned, shall be collected in the same manner and with the interest computed from the same time as the annual taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

Sec. 4. That nothing in this act shall be construed to prevent the

said township treasurer of said township from making his returns before the said first day of June next, if he think proper to do so.

Sec. 5. This act shall take effect and be in force from and after its passage. To take immediate effect.

Approved January 22, 1857.

[No. 6.]

AN ACT to change the name of Charles Stuart Ehle and Anna Claudine Ehle.

SECTION 1. *The People of the State of Michigan enact*, That the name of Charles Stuart Ehle and Anna Claudine Ehle be and the same are hereby change, the said Charles Stuart Ehle to Charles Stuart Millen and said Anna Claudine Ehle to Anna Claudine Millen.

Approved January 24, 1857.

[No. 7.]

AN ACT to extend the time for the collection of taxes in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*: That the time for the collection of the State and county taxes in the city of Detroit for the year eighteen hundred and fifty-six, is hereby extended until the first Monday of March next. Time of extension.

Sec. 2. The collectors of the several wards of said city are hereby authorized to proceed and collect said taxes as fully as they might have done during the life time of their warrants for that purpose, and to make their returns on or before the first Monday in March next, and said warrants are continued in full force for said purpose until said time. Collectors to collect and make returns.

Sec. 3. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of their warrants as now provided by law, and to renew their official bonds to the satisfaction of the treasurer of the county of Wayne. To pay over moneys and renew official bonds.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Return of transcript of unpaid taxes.

Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

Immediate
effect.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 24, 1857.

[No. 8.]

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the village of Jackson, approved April third, eighteen hundred and forty-eight.

Sec. 22,
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of an act entitled an act to amend an act entitled an act to incorporate the village of Jackson, approved April third, eighteen hundred and forty-eight, and the act amendatory thereof, approved February fourteenth, eighteen hundred and fifty-three, be amended by adding at the end of said section twenty-two, as amended, the following: “*And provided also*, That nothing herein contained shall be considered or construed as in any manner abridging or limiting the powers and duties of the common council of the said village, under the provisions of chapter forty-eight of title nine of the revised statutes of 1846, entitled ‘of fire departments in cities and villages,’ but all the provisions of said chapter forty-eight shall be and remain in full force within said village of Jackson,” so that said section twenty-two as amended will read as follows:

Power and
authority of
common
council.

“Sec. 22. The common council shall have power and authority to levy, assess and collect a money tax upon all real and personal property in said village, but such money tax upon said property shall not exceed in any one year one fourth of one per cent. upon the valuation of said real and personal property, and said common council may also assess and collect a highway tax in addition to the money tax aforesaid, not exceeding the rate of one day’s work for every one hundred dollars valuation of said real and personal property, to levy and collect a poll tax upon every male inhabitant of said village above the age of twenty-one years, not exceeding seventy-five cents per annum upon each per-

son so taxed: *Provided*, That whenever the common council shall ^{Proviso.} deem it necessary to raise a greater money tax in any one year than one-fourth of one per cent. upon the valuation of said real and personal property, they shall give at least two weeks' notice in writing of a meeting of the electors of said village, who are property tax payers, to be posted up in at least five public places in said village, and by publication in all the papers published in said village, which notice shall state the time and place of such meeting and purposes for which the money proposed to be raised is to be expended, and when said meeting shall be assembled in pursuance of such notices, said electors shall by a two-thirds vote of those present at said meeting, determine the amount of money which shall be raised for each object specified in the notice: *And provided also*, That such tax shall not in any one year exceed the ^{Proviso.} sum of one thousand dollars: *And provided also*, That not more than ^{Proviso.} two such meetings shall be held in any one year to determine the amount of tax to be raised: *And provided further*, That any person ^{Proviso.} assessed for a poll tax may pay the same by one day's labor upon the streets under the direction of the marshal, who shall give to each person so assessed, notice of the time and place when and where such labor will be required, and the money raised by such poll tax shall be expended in work upon the streets in said village: *And provided also*, ^{Proviso.} That nothing herein contained shall be considered or construed as in any manner abridging or limiting the powers and duties of the common council of the said village, under the provisions of chapter forty-eight, of title nine of the Revised Statutes of 1846, entitled 'of fire departments in cities and villages,' but all the provisions of said chapter forty-eight, shall be and remain in full force within said village of Jackson."

This act shall take effect immediately.

Approved January 24, 1857.

[No. 9.]

AN ACT to provide for the collection of taxes in the township of Burchville, St. Clair county, and to extend the time for the collection thereof.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Burchville, St. Clair county, for the year ^{Tax roll} ~~legalized.~~

1856, be and the same is hereby declared to be as valid and legal as if the same had been made by the supervisor elect and delivered to the township treasurer at the time prescribed by law.

Bond, when
filed.

Sec. 2. That the township treasurer shall file his bond as required by law, within five days after being notified by the supervisor of the passage of this act, and of the amount of the State and county tax to be raised in said township.

Time of
extension.
Unpaid tax-
es; how re-
turned.

Sec. 3. That the time for the collection of said taxes be extended to the first Monday of March next, and that the treasurer make returns as provided by law in other cases, within ten days thereafter, and the county treasurer shall make returns as in other cases, within thirty days from the time of the returns made by the township treasurer.

This act shall take effect immediately.

Approved January 24, 1857.

[No. 10.]

AN ACT to extend the time for the collection of taxes in the township of Saint Joseph, in the county of Berrien.

Time of
extension.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Saint Joseph, in the county of Berrien, for the year eighteen hundred and fifty-six, is hereby extended to the first Monday of March next.

Duty of
treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time

Warrant
continued in
force.

on or before the first Monday of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday of March next.

Moneys col-
lected to be
paid over.

Sec. 3. It shall be the duty of the said treasurer before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Berrien.

Bond to be
renewed.

Unpaid tax-
es; how re-
turned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall

be collected in the same manner and with interest computed from the same time, as other taxes for the year eighteen hundred and fifty-six, ^{Interest; how computed.} duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 28, 1857.

[No. 11.]

AN ACT to provide for the re-assessment and collection of taxes in the townships of Pere Marquette and Black Creek, in the county of Mason.

SECTION 1. *The People of the State of Michigan enact:* That the supervisors of the townships of Pere Marquette and Black Creek, in the county of Mason, be and they are hereby severally authorized and required to make out and complete within twenty days from the passage of this act, new and perfect assessment rolls for each of said townships for the year one thousand eight hundred and fifty-six. ^{Supervisors to make out new assessment rolls for year 1856.}

Sec. 2. Upon the completion of such assessment rolls, said supervisors shall meet at the office of the county clerk for the county aforesaid within ten days thereafter, for the purpose of equalizing the assessments so made, and for which purpose the county treasurer and county clerk of said county of Mason shall meet at the county clerk's office, with such such supervisors, or either of them, who shall form a board of supervisors for such county, two of whom shall constitute a quorum, with full power to equalize assessments, and apportion the State and county tax to the several townships of said county, and to do all other acts which boards of supervisors are authorized to perform by the laws of the State. ^{Supervisors to meet within 10 days after completion of assessment rolls.}

Sec. 3. It shall be the duty of the county clerk of said county of Mason to act as clerk of such board, and whose duty it shall be to keep a full record of the proceedings thereof, and perform all other acts which clerks of boards of supervisors are by law authorized to perform. ^{County clerk to be clerk of board.}

Sec. 4. In case either of the supervisors of the townships composing said county of Mason shall neglect to make out and complete his assessment roll, or fail to present the same to and meet with the county clerk and county treasurer to form a board of supervisors, as provided for in ^{Power of board to appoint an assessor.}

section two herein, it shall be the duty of said board to appoint an assessor for each of the townships whose supervisor shall fail to make out and present his assessment roll on or before the time therefor required in sections two and three, and who shall when so appointed, qualify and forthwith make out an assessment roll of the taxable property of the township for which he is appointed, and present the same to the county clerk aforesaid within ten days after being notified of his said appointment, and it shall in such case be the duty of the board of supervisors herein provided for, to adjourn to meet thereafter, for the purpose of equalizing the assessment rolls and apportioning the State and county tax to the several townships as required by law.

When tax
rolls to be
made out;

Sec. 5. Within ten days after the assessment rolls shall be so equalized by the board of supervisors, the supervisor of each township or the clerk of such board shall make out and complete the tax rolls thereof, and attach his warrant thereto commanding the sheriff of the county of Mason to collect the taxes therein, and return the same to the county treasurer as provided by law, on or before the tenth day of April, A. D. 1857.

Sheriff to
execute
bond.

Sec. 6. Before any tax rolls are placed in the hands of the sheriff aforesaid for the collection of taxes, he shall execute and deliver to the county treasurer a sufficient bond to be approved by him, that he will collect and pay over to said treasurer on or before the 10th day of April, 1857, in the same manner and under the same restrictions as is now prescribed by law for township treasurers to collect and pay over to the county treasurer, all taxes thus placed in his hands for collection.

Return of
transcript of
unpaid taxes.

Sec. 7. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as other taxes for the year one thousand eight hundred and fifty-six, duly returned to the Auditor General for non-payment.

Existing
laws to
govern.

Sec. 8. Existing laws relating to the assessment, collection and return of taxes, shall so far as the same may be applicable, govern the assessment, collection and return of taxes herein, except as specially provided for by the provisions of this act.

Sec. 9. This act shall take effect immediately.

Approved January 24th, 1857.

[No. 12.]

AN ACT to extend the time for the collection of taxes in the townships of Allegan and Otsego, in the county of Allegan.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes for the year eighteen hundred and fifty-six, in the townships of Allegan and Otsego, in the county of Allegan, be and the same is hereby extended until the first Monday of March Time of extension. next.

Sec. 2. The treasurers of the several townships herein named, are hereby authorized and empowered to proceed and collect said taxes as Powers and duty of treasurers. fully as they could do during the lifetime of their warrants, and make their returns at any time before the first Monday of March next.

Sec. 3. It shall be the duty of the several treasurers of the townships herein named, before they shall be entitled to the benefits of this act, to pay over all moneys collected as provided by law, and to renew their Powers and duty of treasurers. several official bonds to the satisfaction of the several supervisors of the Bonds renewed. several townships herein named.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be Unpaid taxes; how returned. collected in the same manner and with interest computed from the same Interest; how computed. time as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

This act shall take effect immediately.

Approved January 26, 1857.

[No. 13.]

AN ACT to amend the Ann Arbor city charter.

SECTION 1. *The People of the State of Michigan enact*, That section five of an act to incorporate the city of Ann Arbor, approved April fourth, in the year eighteen hundred and fifty [one, be and the same is hereby amended by adding thereto the following, viz.: "*And* Proviso. *provided further*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts where the plaintiff or defendant or one of the plaintiffs or defendants

reside in the township next adjoining the township of Ann Arbor;" so that said section five when amended shall read as follows, viz.:

Officers; when elected. "Sec. 5. The inhabitants of said city having the qualifications of electors under the constitution of this State, shall on the first Monday of April instant, at the court house in said city, and on the first Monday in April in every year thereafter at the same place, unless the common council shall designate some other place of meeting, proceed to elect by a plurality of votes by ballot from among the qualified electors of said city, one mayor, one recorder, two aldermen, one supervisor, one justice of the peace, one marshal, one street commissioner, one treasurer and one collector, three constables, one school inspector, and one director of the poor: *Provided*, That at the first election to be holden under this act, there shall be chosen four aldermen, one school inspector, and one director of the poor for one year, and one school inspector and one director of the poor for two years: *And provided also*, That at such first election, so many justices of the peace shall be chosen as may be necessary to fill all vacancies which may then exist in the office of justice of the peace in the township of Ann Arbor, so that there shall be four of said justices in said city, including those who have been elected in said township, and who shall continue to hold their said offices until the expiration of the term for which they were elected, and said justices shall continue to be chosen, one in each year in the same manner. They shall have the like powers and shall be subject to the same duties and liabilities as justices of the peace in the several townships of this State: *And provided further*, That all actions within the jurisdiction of justices of the peace, may be commenced and prosecuted in said justices' courts when the plaintiff or defendants or one of the plaintiffs or defendants reside in the township next adjoining the township of Ann Arbor.

Proviso. No. of justices; how chosen. Actions; where prosecuted.

Approved January 26, 1857.

[No. 14.]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and fifty-six, in the township of St. Clair, in the county of St. Clair.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of St. Clair, in the county of St. Clair, is hereby extended to the first Monday in March next.

Time of extension.

Sec. 2. The treasurer of the township of St. Clair aforesaid, is hereby authorized and empowered to proceed and collect said taxes in the same manner as during the life of his warrant, and to make returns to the county treasurer on or before the first Monday in March next, and his warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday in March next: *Provided*, He shall first renew his official bond to the satisfaction of the treasurer of the said county of St. Clair.

Power and authority of treasurer.

Sec. 3. A transcript of all the unpaid taxes to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest from the same time as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

Return of transcript of unpaid taxes.

Sec. 4. This act shall take immediate effect.

Approved January 26, 1857.

[No. 15.]

AN ACT to extend the time for the collection of taxes in the township of Owosso, in the county of Shiawassee.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Owosso, in the county of Shiawassee, for the year eighteen hundred and fifty-six, be and the same is hereby extended to the second Monday of March, eighteen hundred and fifty-seven.

Time of extension.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return at any time on or before the second Monday of March next, and said warrant is hereby renewed and continued in full force and virtue for the purposes aforesaid, until the said second Monday in March next.

Power and authority of treasurers.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county.

Treasurer to pay over moneys and renew bond.

Return of
unpaid taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed for the same time as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General.

Sec. 5. This act to take effect immediately.

Approved January 27, 1857.

[No. 16.]

AN ACT to extend the time for the collection of taxes in the township of Fayette, in the county of Hillsdale, for the year eighteen hundred and fifty-six.

Time of
extension.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection and return of taxes in the township of Fayette, in the county of Hillsdale, for the year eighteen hundred and fifty-six, be and the same is hereby extended to the second Monday of April next.

Power and
authority of
treasurer.

Sec. 2. The treasurer of said township is authorized to proceed and collect said taxes as fully as he might have done during the life-time of his warrant, and make his return on or before the second Monday of April aforesaid.

Treasurer
to pay over
moneys and
renew bond.

Sec. 3. It shall be the duty of said township treasurer, before he shall be entitled to the benefit of this act, to pay over all the money collected by him as such treasurer as provided by law, and to renew his official bond to the satisfaction of the county treasurer of said county of Hillsdale.

Return of
transcript of
unpaid taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved January 27, 1857.

[No. 17.]

AN ACT to legalize the tax roll of the township of Midland, in Midland county, and to extend the time for the collection of taxes in said township.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Midland, in the county of Midland, for the year one thousand eight hundred and fifty-six, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the proper collecting officer at the time prescribed by law. Tax roll legalized.

Sec. 2. The sheriff of said county is hereby authorized and empowered to proceed and collect said taxes on the receipt of the tax roll from the supervisor of said Midland township, and make his return at any time on or before the third Monday of March next, and the warrant thereunto attached is hereby continued in full force and virtue for the purpose mentioned until the said third Monday of March next. Powers and duty of Sheriff.
Time of return.

Sec. 3. It shall be the duty of said sheriff, before he shall be entitled to the benefits of this act, to execute to the county treasurer of said county and his successors in office a bond in double the amount of State and county taxes apportioned to said township, with sufficient sureties to be approved by the supervisor or county treasurer, conditioned that he shall duly and faithfully perform the duties of his office, and shall deliver the same to said treasurer. Bond; how executed and approved.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest from the same time, as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment. Unpaid taxes; how returned.

Sec. 5. This act shall take immediate effect.

Approved January 27, 1857.

[No. 18.]

AN ACT to authorize the Detroit, Monroe and Toledo Railroad Company to extend their road from the point of its intersection with the Detroit and Milwaukee Railroad, to the depot of said last named company, and to own such extension and depot, jointly with said company.

SECTION 1. *The People of the State of Michigan enact*, That the

Authorized
to extend
road.

Detroit, Monroe and Toledo Railroad Company is hereby authorized to extend its road from the point of its intersection with the road of the Detroit and Milwaukee Railroad Company, to the depot of the said last named company, and may file a certificate of location for such extended line.

May acquire
title to lands.

Sec. 2. When such certificate shall be made and filed according to law, the said Detroit, Monroe and Toledo Railroad Company may acquire a title to the lands along such extension, in the same manner as if such extended line had been included within the original location.

Authorized
to own line
of road
jointly.

Sec. 3. The said company is hereby authorized to own, jointly with the Detroit and Milwaukee Railroad Company, the line of road from the point of intersection, to the depot of said last named Company, in the city of Detroit, and also in like manner to own jointly with said company, the depots, buildings and fixtures at its termination in said city, or any portion thereof, as may be mutually agreed upon between said companies.

(This act shall take immediate effect.)

Approved January 28, 1857.

[No. 19.]

AN ACT to alter the State road leading from the village (now city) of Flint to Lansing.

Alteration
in road.

SECTION 1. *The People of the State of Michigan enact*, That the following alteration be made in the State road leading from the village (now city) of Flint to Lansing, the capitol of the State, viz.: Beginning at a post standing in the centre of said road, at a point where the line between sections eight and nine of Smith's reservation of Flint river intersects said road, running thence north forty degrees east, twenty chains and thirteen links to a post standing one chain and twenty-five links from the centre of the Port Huron and Milwaukee Railroad, thence north eighty-two degrees east, thirteen chains and seventy-one links to a post standing in the centre of the northern wagon road, thence north eighteen degrees and thirty minutes east, along the centre of said wagon road two chains and eleven links to the centre of the above named State road.

Approved January 29, 1857.

[No. 20.]

AN ACT to amend an act entitled an act to incorporate the village of Hudson, approved February twelfth, eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act to incorporate the village of Hudson, approved February twelfth, eighteen hundred and fifty-three, be amended by striking out in the fourth line, the word "May," and inserting "March:" also adding after the word "treasurer" in the ninth line, "one marshal and one street commissioner," so that said section will read as follows:

"Sec. 2. The male inhabitants of said village having the qualification of electors under the constitution of the State, shall meet at the school house on the west side of the river, in said village, on the first Monday of March next, and on the first Monday of March annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder, one treasurer, one marshal, and one street commissioner, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described."

Sec. 2. Also amend section three of said act by striking out all of said section after the word "had" in the last line, and adding, "Then the board of canvassers shall proceed to determine the choice by lot," so that said section shall read as follows:

"Sec. 3. At the first election to be holden in said village under this act, there shall be chosen viva voce by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election and shall conduct the same, certify the result in the same manner that the common council are required to do by this act; and all subsequent elections shall be held in

said village, and superintended by the president, recorder, and one or more of the trustees, and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer, and that the name of each elector voting at such election shall be written in a poll list to be kept at such election by the officer or officers holding the same, and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded up together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after the said election; at which last mentioned period, the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall happen at any time that two or more persons shall have an equal number of votes so that no election shall be had, then the board of canvassers shall proceed to determine the choice by lot."

Sec. 12,
amended.

Sec. 3. Also to amend section twelve of said act by striking out all after the word "authority," in the first line, to the word "to" when it first occurs in the fourth line, and inserting after the word "village" in the ninth line, (as follows): *Provided always*, That the taxes so assessed shall not exceed in any one year three-fourths of one per cent. upon the valuation of real and personal property of said village, so that said section, as amended, will read as follows:

Power and
authority of
common
council.

"Sec. 12. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and

other taxes in said village: *Provided always*, That the taxes so assessed ^{Proviso.} shall not exceed in any one year three-fourths of one per cent. upon the valuation of real and personal property of said village: and the said common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine, of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen; to suppress all games of chance or hazard; to compel the owners of all buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting the village from fires; relative to calling of meetings of electors of said village, relative to the keeping and sale of gun-powder in said village; relative to restraining of swine, horses, and other animals from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to suppress billiard tables and all other gaming tables kept for hire, gain or reward in said village; and also, full power and authority, to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly and bad houses: *Provided always*, Such by-laws shall not be repugnant to the Constitution and laws of the United States, or of the State of Michigan: *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of Lenawee, or by written notices posted up in three of the most public places in said village."

Sec. 4. Also to amend section seventeen of said act by striking out ^{Sec. 17, amended.} all after the word "marshal," in the first line, to the word "shall," in the second line, and inserting "and street commissioner," so that said section as amended shall read as follows: "Sec. 17. The marshal and street commissioner shall receive such compensation for their services as ^{Compensation of officers.} the by-laws and ordinances of said corporation shall direct; but the residue of the common council shall receive no pecuniary compensation."

Sec. 5. Also amend section twenty-one of said act by striking out all ^{Sec. 21, amended.} after the word "year," in the sixth line, up to the word "upon," in the same line, and inserting "three-fourths of one per centum," so that said section as amended shall read as follows: "Sec. 21. The common

Power of
common
council to
levy and col-
lect taxes.

Proviso.

council shall have power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes upon all real and personal property within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the taxes so assessed and

collected shall not exceed in any one year three-fourths of one per centum upon the valuation of said real and personal property, and every assessment or tax lawfully imposed or laid by the said common council on any lands, tenements and hereditaments or premises whatever in said village, shall be and remain a lien upon such lands, tenements and hereditaments, from the time of making such assessment or imposing such tax, until paid; and the owners or occupants or parties in interest respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid, and in default of such payment or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof to sell real estate, rendering the overplus, if any, after deducting the charges of such sale,

Proviso.

to said owner, occupant or lessee: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least one month; and the said marshal shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the time when the purchaser will be entitled to a deed for said lands; and if the person claiming title to said lands described in the sale shall not, within two years from the date thereof, pay to the treasurer of said village for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal or his successors in office shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the land sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, and acknowledged by witnesses, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly

recorded may be given in evidence; and all personal estate so sold shall be sold according and in such manner as the common council may direct."

Sec. 6. Also amend section twenty-five of said act by striking out all ^{Sec. 25, amended.} after the word "the" in the first line, to the word "superintend" in the second line, and insert "street commissioner shall;" also strike out the word "they" in the fifth line and insert the word "he," so that said section will as amended read as follows: "Sec. 25. The street commis- ^{Duties of street commissioner.} sioner shall superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, sidewalks, highways or bridges within the limits of said corporation, in such manner as he may from time to time be directed by the common council; also for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend, and the common council shall cause the expense of grading such streets, or making such sidewalks, to be assessed on lots or premises adjoining such improvements, or by general assessment or otherwise, as they may direct."

This act shall take effect immediately.

Approved January 29, 1857.

[No. 21.]

AN ACT to change the name of Charles Moses House and Catherine Elizabeth House.

SECTION 1. *The People of the State of Michigan enact*, That the name of Charles Moses House and Catherine Elizabeth House, be and the same are hereby by changed; Charles Moses House to Charles Moses Allen, Catherine Elizabeth House to Catherine Elizabeth Allen:

Sec. 2. William Allen and Clarisa Allen, his wife, of the township of Gun Plains, in the county of Allegan, are hereby authorized and empowered to adopt the said Charles Moses Allen and Catherine Elizabeth Allen as their children and lawful heirs.

This act to take effect immediately.

Approved January 29, 1857.

[No. 22.]

AN ACT to change the name of the township of Tuscola, in the county of Livingston.

Bristol.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Tuscola, in the county of Livingston, be and the same is hereby changed to Bristol.

This act to take effect immediately.

Approved January 29. 1857.

[No. 23.]

AN ACT to amend an act entitled an act to amend the charter of the village of Niles.

Sec. 1, repealed and new section substituted.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to amend the charter of the village of Niles," approved April 8th, 1851, be and the same is hereby repealed, and the following section be substituted in place thereof:

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That so much of the township of Niles, in the county of Berrien, described according to the United States government survey as being the south fractional half of section number twenty-six, and that part of the north-west fractional quarter of said section number twenty-six which lies south of the Michigan Central Railroad and west of the St. Joseph river; also that part of said north-west fractional quarter of section number twenty-six described as follows: Beginning where the west line of said quarter section intersects the north line of Marmont street in O. P. Lacey's second addition to Niles, thence on north line of Marmont street to the east line of Front street, thence northerly to the north-west corner of lot number two hundred and twenty-one in said addition, thence easterly to the north-east corner of lot number two hundred and ten in said addition, thence southerly on line of said addition to the southerly line of Canal street in said addition, thence easterly on line of said addition to the east line of the said north-west fractional quarter of section number twenty-six, thence south to the south-east corner of said quarter section, thence west on the south line of said quarter section to the St. Joseph river, thence down said river to the west line of said north-

west fractional quarter section, thence north on said line to the place of beginning, also the north fractional half of the north fractional half of section number thirty-five, and that part of the south fractional half of the north-east fractional quarter of said section number thirty-five, laid out and recorded as G. N. and C. Bond's addition to Niles, excepting lot number twenty-two, and St. Clair street in said addition, shall be and the same is hereby constituted a town corporation by the name of the 'Village of Niles.'"

Sec. 2. That section twelve of said act be and the same is hereby ^{Sec. 12, amended.} amended so as to read as follows: "Sec. 12. The common council shall ^{Power of common council.} have power to establish the width and grade of side walks, and to construct all such side and cross walks, drains, gutters and sluices, as are necessary in the streets, lanes and alleys of said village, and to assess the cost of the same upon the property benefitted, and to collect such assessment of the owner or occupant of such property, or to sell the property for such assessment and the cost thereon, in the same manner as is hereafter provided for the sale of property for other taxes; also to lay out, open, make and repair streets, lanes and alleys, and to alter and vacate the same, and to alter or vacate those already laid out. Before any street, lane or alley shall be laid out, altered or vacated, the common council shall give notice thereof to the owners, occupants or person interested, or his or their agent or representative, by personal service or by posting up notices in five or more public places in the village, stating the time and place when and where the common council will meet to consider the same, and describing the street, lane or alley, proposed to be laid out, altered or vacated; which notice shall be posted at least ten days before the time of meeting. If after hearing the persons interested who may appear before them, the common council shall determine to lay out or alter any street, lane or alley, they may purchase of any person or persons, through whose lands the same may pass, the right of way. If the sum to be paid therefor cannot be agreed upon, it shall be lawful for the recorder to issue a venire, directed to the marshal, commanding him to summon twelve disinterested freeholders of the village, to appear before the recorder at a time and place in said venire to be mentioned, not less than five days from the issuing thereof, to inquire into the necessity of the proposed work, and assess the damages occasioned to such person or persons by the laying out or altering of such

Proviso.

street, lane or alley; which jury being first sworn by the recorder faithfully and impartially to make such inquiry, and assess the damages in question, and having heard the testimony of witnesses, if any be sworn, and the representations of the person or persons interested in the premises, shall, if such necessity appear, assess the damages sustained by each person respectively, whether as owner or occupier thereof, according to their several interests in the same, which assessment shall be signed by the jurors assessing the damages and be delivered to the recorder, who shall cause the same to be filed in his office. All sums so assessed shall be paid or tendered to the person or persons in favor of whom such assessment shall be made, before such street, lane or alley shall be opened or used. If any person in whose favor such assessment shall be made, shall refuse to receive the amount of such assessment, or if he shall not reside in said village, so that the same can be tendered to him, the money shall be deposited with the treasurer of the village to be delivered to the person lawfully entitled to receive the same, and thereupon the common council may proceed forthwith to cause such street, lane or alley to be opened and used: *Provided*, That any persons claiming damages who shall be aggrieved by such assessment may appeal therefrom to the Circuit Court of the county of Berrien, upon giving written notice to the recorder of his intention to appeal, within five days after the assessment shall be made; but such appeal shall not prevent the immediate opening or altering or using such street, lane or alley. Upon filing a copy of said assessment with a copy of the notice of appeal in the said Circuit Court at its next session, or within ten days after such assessment is made, the court shall have jurisdiction of the appeal, and shall proceed in the same manner as is usual in other cases of appeal, to assess the damages; and if the damages awarded by the court upon such appeal shall not be greater than the damages assessed by the jury, or than shall have been tendered or deposited as hereinbefore provided, the court shall give judgment against the party appealing, for the costs of the appeal. The amount of damages determined as above provided shall be assessed by the common council upon the property benefitted by the opening or altering of any street, lane or alley, and the amount of such assessment shall be collected in the same manner as is hereinafter provided for the collection of other taxes."

Sec. 3 That section fourteen of said act be and the same is hereby

amended so as to read as follows: "Sec. 14. On completion of the as-
 sessment roll as aforesaid, the common council shall assess and appor-
 tion upon the real and personal estate therein described, such tax as they
 may deem necessary for the use of said village for the current year, not
 exceeding one per cent., and a further poll tax, not to exceed one dollar
 upon each and every male inhabitant of said village over twenty-one
 years of age; and the recorder shall make a duplicate of the roll for the
 use of the collector.

Sec. 14,
amended.

Power of
common
council to
assess and
apportion
taxes.

This act shall take effect immediately.

Approved January 29, 1857.

[No. 24.]

AN ACT to provide for the completion of the east wing of the State
 Prison, building work shops, enlarging the mess room, and for other
 purposes.

SECTION 1. *The People of the State of Michigan enact,* That the
 office of State Prison building commissioner, created by act number
 one hundred and thirty-one of the laws of eighteen hundred and fifty-
 five, entitled "An act to provide for repairing and furnishing the State
 Prison, and for the construction of cells therein," approved February
 twelfth, eighteen hundred and fifty-five, be and the same is hereby con-
 tinued for the further term of two years according to the provisions and
 limitations of the said act.

Office of
commis-
sioners con-
tinued for 2
years.

Sec. 2. There is hereby appropriated from the State treasury for
 the purposes hereinafter mentioned, the sum of thirty-two thousand
 dollars, which shall be expended as follows, to wit: for completing the
 east wing of said State Prison and constructing one hundred and sixty-
 four cells therein, the sum of twenty-two thousand dollars; for building
 additional work shops six thousand dollars; for enlarging the mess
 room two thousand dollars, and for repairing the agent's house and put-
 ting up a fence in front of the entire prison, and such other repairs as
 the inspector of said prison may think necessary, the further sum of two
 thousand dollars; and it shall be the duty of the Auditor General to
 draw his warrant upon the State Treasurer from time to time for such
 sums as the inspectors shall certify to be necessary for carrying on the
 work aforesaid.

Appropriation.

Approved January 29, 1857.

[No. 25.]

AN ACT to provide for the collection of taxes in the county of Manitou for the year eighteen hundred and fifty-six.

Duties of
board of
supervisors
of 1857.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Manitou shall assess at the usual time for the assessment of taxes in eighteen hundred and fifty-seven, all the lands and personal property in said county which were subject to taxation in the year of eighteen hundred and fifty-six.

Time for
making as-
sessment
roll for 1856.

Sec. 2. The supervisors of said county of Manitou shall make out the assessment roll for eighteen hundred and fifty-six at the same time that the roll is made for eighteen hundred and fifty-seven.

When col-
lector to col-
lect tax for
1856.

Sec. 3. The collector of taxes for said county of Manitou, is hereby authorized and empowered to collect the taxes for the year of eighteen hundred and fifty-six at the usual time for collecting taxes in eighteen hundred and fifty-seven, as is prescribed by law: *Provided*, That all laws applicable to the collection and return of taxes, and sale of lands returned for non-payment of taxes, shall apply to and govern the proceedings under this act, so far as they are not inconsistent herewith.

Proviso.

Sec. 4. This act is ordered to take immediate effect.

Approved January 29, 1857.

[No. 26.]

AN ACT to authorize the supervisor of the township of Roxand, in the county of Eaton, to make a new tax roll and extend the time for collecting the same.

Supervisor
authorized
to make new
tax roll for
1856.

SECTION. 1. *The People of the State of Michigan enact*, That the supervisor of the township of Roxand, in the county of Eaton, and State of Michigan, be authorized to make a new tax roll for the year eighteen hundred and fifty-six, and deliver the same to the township treasurer, on or before the fifteenth day of February, eighteen hundred and fifty-seven, with his warrant attached in due form thereto.

Treasurer
authorized
to collect
taxes.

Sec. 2. The said treasurer is hereby authorized and empowered to collect said tax roll according to law, and make return thereof in due form, on or before the first day of April, eighteen hundred and fifty-seven, and pay the moneys into the county treasury according to law.

Sec. 3. All laws applicable to the collection of taxes shall apply to and govern his proceedings therein until he has accounted for the moneys so collected, and made his return of delinquent taxes to the county treasurer.

Sec. 4. That said township treasurer make return of all delinquent taxes to the county treasurer of said county, as aforesaid, and within the time limited in section two of this act, and that said county treasurer is hereby required to receive said returns and transmit them to the Auditor General, in pursuance of existing laws, and that the said Auditor General is hereby directed to sell and dispose of the lands so returned in the same manner as other lands returned for non-payment of taxes.

Sec. 5. That the said township treasurer renew his official bond to the satisfaction of the supervisor of said township, or the county treasurer of said county.

Sec. 6. This act shall take effect immediately.

Approved January 29, 1857.

[No. 27.]

AN ACT to authorize the village of Jonesville to loan money.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the village of Jonesville be authorized and empowered to borrow on the faith and credit of said village a sum not exceeding three thousand dollars, for a term not exceeding ten years and at a rate not exceeding seven per cent. per annum, and to execute the bonds of the village therefor under the seal of the said corporation in such manner as the said board shall determine, and that for the purpose of determining whether said loan shall be made, the common council may, at any annual village election or at any special election called for that purpose, vote thereon by ballot, and every ballot in favor of said loan shall have written or printed on it the word "Loan," and every ballot against it shall have written or printed on it the word "No loan." Notice of the time and place shall be given by publication in a newspaper printed in said village or by posting in five of the most public places in said village, and such election shall be conducted in all res-

pects as other village election. The said board shall file a certificate of the result with the recorder of said village, and no such loan shall be made unless a majority of the lawful voters vote therefor. Said board are hereby required to provide for the payment of said loan in the same manner as for other debts of said corporation: *Provided*, There may be raised to pay said loan in any one year not more than one-fourth of one per centum on the taxable property of said village, in addition to the amount now authorized to be raised. Said money so borrowed shall be expended in the building and erection of engine houses and for the purchase of engines and fire equipments for said village.

Common
council may
acquire and
hold lands.

Sec. 2. The common council of said village are hereby authorized to acquire and hold lands for the use of said village, in one or more parcels, not exceeding in all ten acres, upon which they may erect said engine houses, a town hall, make public grounds, and ornament the same.

Approved January 29, 1857.

[No. 28.]

AN ACT to amend an act number ninety-one of the Session Laws of eighteen hundred and fifty-five.

Sec. 3,
amended.

Tolls.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number ninety-one of the session laws of eighteen hundred and fifty-five, being an act entitled an act to provide for the collection of tolls, and for the care, charge and operating of the St. Mary's Falls Ship Canal, is hereby amended so as to read: "Sec. 3. Before any vessel shall be allowed to pass into or through said canal, there shall be paid to the said superintendent four cents on every ton of such vessel's enrolled tonnage or measurement, or such other rate per ton as may be at any time established by said board of control, after giving thirty days notice of such change in two or more daily papers published in Detroit and Cleveland. No toll or other charge shall be collected upon tug boats, provided they are not employed in the carrying of freight or passengers; or upon the vessels of the United States engaged in the public service, or in the transportation of property or troops of the United States: *Provided*, No tolls or other charge shall be collected upon vessels of the United States engaged in the public service, or in

the transportation of property or troops of the United States, or upon tug boats, provided they are not employed in the carrying of freight or passengers."

Sec. 2. This act shall take effect immediately.

Approved January 29, 1857.

[No. 29.]

AN ACT to amend sections three and four of chapter twenty-seven of the revised statutes of eighteen hundred and forty-six, entitled "of the erection, repairing and preservation of bridges."

SECTION 1. *The people of the State of Michigan enact, That* ^{Sections and 4 amended.} sections three and four, of chapter twenty-seven of the revised statutes of eighteen hundred and forty-six, entitled "Of the erection, repairing and preservation of bridges," be and the same are hereby amended, so that the same shall read as follows:

"Sec. 3. The commissioners of highways of any township, or common council of any city, or organized company, or the village council of any village, may put up and maintain at the expense of their township, city, or company, or village, as the case may be, in conspicuous places, at each end of any bridge in such township, city or village, maintained at the public or company charge, and the length of whose chord is not less than twenty-five feet, a notice with the following words in large characters: 'One dollar fine for riding or driving over this bridge faster than a walk,' and in case any such bridge shall be over one hundred feet in length, or shall have a draw or turn table therein for the purpose of opening the same, then such notice may be 'Five dollars fine for riding or driving on this bridge faster than a walk.'"

^{Commissioners of highways or common council may put up and maintain notice on bridges.}

"Sec. 4. Whoever shall ride or drive faster than a walk on any bridge upon which such notice shall have been placed, and shall there be, shall forfeit for every such offence the sum mentioned in such notice, and the same may be collected in the name of such highway commissioners, city, company or village authorities, as the case may be, or by criminal prosecution."

^{Forfeiture.}

(This act shall take effect immediately.)

Approved January 29, 1857.

[No. 30.]

AN ACT to amend sections twenty-one and twenty-five of an act entitled "An act to incorporate the village of Jonesville," approved February tenth, eighteen hundred and fifty-five.

Sec. 21,
amended.

Power of
common
council to
levy and col-
lect taxes.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-one of an act entitled an act to incorporate the village of Jonesville, approved February tenth, eighteen hundred and fifty-five, be and the same is hereby amended so that said section as amended shall read as follows: "Sec. 21. The common council shall have full power and authority to levy and collect a poll tax upon the legal voters of said village, and also taxes on all real and personal property, not exempt from taxation, within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the said taxes so assessed and collected shall not exceed in any one year one-half of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax, and exclusive of any tax assessed heretofore or to be assessed hereafter for paving, grading, planking, or improving the said side-walks, and every assessment of taxes, lawfully imposed or laid by the said common council, on any land, tenements or hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands, tenements, and hereditaments, from the time of making such assessment or imposing such tax until paid; and the owner or occupants, or the parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell the real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper, printed in said county, for at least four weeks, once in each week, previous to the sale, and the said marshal shall give to the said purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land, and if the person claiming title to said lands described in the sale shall not, within one year from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum

Proviso.

mentioned in said certificate, together with the interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal or his successor in office shall, at the expiration of the said one year, execute to the purchaser or purchasers, his or their heirs or assigns, conveyance of the lands so sold, which conveyance shall vest in the person to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon, and the said conveyance shall be prima facie evidence that the sale, and all the proceedings therein prior to such sale were regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner and duly recorded, and all personal estate so sold shall be sold in such manner as the by-laws and regulations of the corporation shall direct."

"Sec. 25. The common council shall have power to appoint one or more street commissioners or other officers to superintend and direct the making, paving, repairing and opening all streets, lanes, alleys, side-walks, highways or bridges, within the limits of said corporation, in such manner as they may from time to time be directed by the common council, who are hereby authorized to improve any street in said village by grading, planking, or paving the same, or building and repairing side-walks, or planting shade trees, and may order the same done by giving ten days notice in writing to the owner or occupant in the portion of said street to be improved: *Provided*, That if there be no resident owner or agent of any vacant lot, then a printed notice of such order in some newspaper published in said village shall be deemed sufficient, directing them to construct such side-walk or make such other improvement in a given time by them designated; and in case of the neglect or refusal of any such owner or occupant to construct such side-walk or make such other improvements, it shall be lawful for said village board forthwith to make such improvements, assess the same upon the premises in front of which said improvements have been made, and collect the same as provided in said charter for the collection of taxes.

Common council may appoint street commissioners.

Proviso.

(This act shall take effect immediately.)

Approved January 29, 1857.

[No. 31.]

AN ACT for the payment of the members and officers of the Legislature for the year eighteen hundred and fifty-seven.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding twenty thousand dollars, for the payment of the members and officers of the Legislature.

Compensation of members.

Sec. 2. The compensation of the President and members of the Senate, and the Speaker and the members of the House of Representatives, shall be three dollars per day for actual attendance and when absent on account of sickness, for the first forty days of the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting on the usually traveled route; and to the members of the Senate and House from the Upper Peninsula, two dollars per day additional for the first forty days of the session. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars for stationery and newspapers. The compensation of the Secretary, Engrossing and Enrolling Clerk and Sergeant-at-Arms of the Senate, and their assistants, and of the Clerk and Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the House of Representatives, and their assistants, and of the reporters of either House, and of the clerks employed with the consent of either Senate or House of Representatives, by any of the standing or the special committees of either of said Houses, shall be three dollars per day for actual attendance during the session. The compensation of the firemen of the Senate and of the House of Representatives shall be two dollars per day for actual attendance during the session. The compensation of the messengers of the Senate and of the House of Representatives shall be two dollars per day for actual attendance during the session.

Compensation of officers.

Firemen.

Messengers.

Certificates for sums due; by whom made.

Sec. 3. Such sums as may be due to the Secretary of the Senate and the Clerk of the House of Representatives shall be certified by the presiding officer of the respective Houses and countersigned by the Auditor General; such sums as may be due the President of the Senate and the Speaker of the House of Representatives, shall be certified by the Secretary or clerk of the respective houses and countersigned by the Auditor General; and such sums as may be due the members and other officers of either House shall be certified by the Secretary or Clerk, and

countersigned by the presiding officer of the respective Houses; and the State Treasurer, upon the presentation of any such certificates, countersigned as provided in this section, is hereby authorized and directed to pay the same.

Sec. 4. This act shall take effect immediately.

Approved January 30, 1857.

[No. 32.]

AN ACT to extend the time for the collection and return of taxes in the township of Raisinville, in the county of Monroe.

SECTION 1. *The People of the State of Michigan enact, That* ^{Time of extension.} the time for collection of taxes in the township of Raisinville, in the county of Monroe, for the year eighteen hundred and fifty-six, is hereby extended to the first Monday of March next.

Sec. 2. The treasurer of said township is hereby authorized and ^{Treasurer authorized to collect.} empowered to proceed and collect said taxes as fully as he could have done during the life-time of his warrant, and make his return at any time before the first Monday of March next: *Provided*, He shall first ^{Proviso.} renew his official bond to the satisfaction of the treasurer of said county.

Sec. 3. A transcript of all unpaid taxes returned to the county ^{Transcript of unpaid taxes to be returned.} treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-six duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take effect immediately.

Approved January 30, 1857.

[No. 33.]

AN ACT to provide for the re-platting of the village of Hudson.

SECTION 1. *The People of the State of Michigan enact, That* ^{Commissioners appointed.} Lorenzo Palmer, Enos Caniff, and Benjamin Wright, of Hudson, Le- wee county, be and they are hereby appointed commissioners, to survey and re-plat all those parcels of land embraced within the corporate lim-

its of the village of Hudson, which have at any time been platted and legally recorded in the register's office of said county, and number the same.

Plat to be recorded.

Sec. 2. Said plats when certified under the hands of the commissioners, and by them duly acknowledged, shall be recorded in the register's office of the county of Lenawee, and when so recorded, said lots may, for the purpose of assessing and the collection of taxes thereon, and for the purposes of conveyancing, be known and described by their number.

Commissioners to be paid by village.

Sec. 3. Said commissioners shall have no claim upon the State of Michigan for their services in making such survey, but their services shall be paid by the village of Hudson, out of any funds belonging thereto, in such manner as shall be directed by the common council thereof.

Vacancies; how filled.

Sec. 4. In case of death, removal, sickness, or for any other cause, one or more of said commissioners shall be unable, or shall refuse or neglect to act, the commissioner or commissioners remaining shall have full power to supply, by appointment, other commissioners to fill the said vacancies that may occur; and in case any such appointments shall be made, the fact shall be certified and filed in the recorder's office of said village.

This act shall take immediate effect.

Approved January 30, 1857.

[No. 34.]

AN ACT to change the name of the village of Middleburg, in the county of Ottawa.

SECTION 1. *The People of the State of Michigan enact, That the name of the village of Middleburg, in the township of Tallmadge, and county of Ottawa, be and the same is hereby changed to that of Lamont, and by that name it shall hereafter be known and designated*
(This act shall take effect immediately.)

Approved January 30, 1857.

[No. 35.]

AN ACT to amend certain sections of an act to incorporate the city of Flint, approved February thirteenth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act to incorporate the city of Flint, be amended so as to read as follows: Sec. 4,
amended.

“Sec. 4. The following officers shall be chosen in and for said city, Officers.
to wit: One mayor, one recorder, who shall be ex-officio school inspector, one treasurer, who shall be ex-officio collector, one marshal, two school inspectors, two directors of the poor, and four justices of the peace, who shall be elected in the following manner, to wit: The mayor, recorder, treasurer and marshal, shall be elected annually, and shall hold their offices for one year, and until their successors shall be elected and qualified. There shall also be elected annually, one school inspector, and one director of the poor for the term of two years, and until their successors shall be elected and qualified: *Provided*, That at the first Proviso.
election there shall be elected two school inspectors, and two directors of the poor: *And provided also*, That immediately after said first elec- Proviso.
tion, the common council shall meet and determine by lot, which of the school inspectors, and which of the directors of the poor so elected, shall serve for one year and which for two years. There shall also be elected annually, one justice of the peace, who shall hold his office for four years, and until his successor shall be elected and qualified: *Provided* Proviso.
That at the first election under this act, so many justices of the peace shall be chosen as may be necessary to fill all vacancies which may then exist in the office of justice of the peace in the township of Flint, so that there shall be four of said justices in said city, including those who have been elected in said township, and who shall continue to hold their said offices until the expiration of the term for which they were elected. They shall have like powers and be subject to the same duties and li- Powers and
duties of
justices of
peace.
bilities as justices of the peace in the several townships of this State.”

Sec. 2. That section five of said act be amended so as to read as follows: “Sec. 5. There shall also be elected at the same time in and for Sec. 5,
amended.
the several wards in said city, one supervisor, who shall be ex-officio as- Supervisor.
sessor for his ward, one street commissioner, and one constable, who Street com-
missioner.
shall hold their offices for one year, and one alderman, who shall hold Constable.
his office for two years, and until their successors shall be elected and Alderman.

Proviso. qualified: *Provided*, That at the first election two aldermen shall be elected, one for the term of one year, and one for the full term of two years."

Sec. 8, amended. Sec. 3. That section eight of said act be amended so as to read as follows: "Sec. 8. The mayor, recorder, and aldermen, when assembled

Who shall constitute common council. together and organized, shall constitute the common council of the city of Flint, and a majority of the whole (the mayor or recorder always be-

Quorum. ing one,) shall be necessary to constitute a quorum for the transaction of business, (but a less number may adjourn from time to time,) and the common council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability from any cause to act, the recorder may appoint. The common council shall

Powers of common council. have power to impose, lay and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. The mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings thereof.

Who to preside at meetings. In case of the absence of the mayor or recorder from any meeting, the members present may appoint a president or recorder *pro tempore*.

Mayor and recorder not to vote, except in case of tie. The mayor or recorder shall not vote on any question except when presiding, and then shall only give the casting vote in case of an equal division. The recorder shall, by virtue of his office, be a justice of the

Recorder to be justice of peace. peace, with all the like powers and duties as other justices of the peace in said city, and shall give bond and take oath of office as justice, before entering on the discharge of the duties thereof; but his title as such justice shall be "recorder," and his court shall be denominated the "re-

Name of court. corder's court of the city Flint;" and shall always be held in the re-

Records to be delivered to successor. corder's office or common council room. The records of such court and all papers filed therein, shall be delivered by the recorder to his succes-

Powers of mayor ex-officio. sor in office, who shall proceed in all cases undetermined without notice to parties. The Mayor shall, by virtue of his office, be authorized to take the acknowledgements of deeds and other instruments in writing to administer oaths and affirmations, perform marriage ceremonies, and do all other like acts which justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

Sec. 17, amended. Sec. 4. That section seventeen of said act be amended so as to read as follows: "Sec. 17. The common council shall have power to make

all such by-laws and ordinances as they shall deem necessary and proper to secure said city and the inhabitants thereof against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire buckets as they may direct; to establish, maintain and regulate all such fire engine, hook and ladder, and hose and bucket companies as they may deem expedient; to construct reservoirs and provide such companies with necessary and proper buildings, engines, and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons, not exceeding one hundred and twenty to one company, as are willing to accept, or as may be deemed proper to be employed as firemen; and every such company shall have power to appoint its own officers, and to pass by laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper; and every person belonging to such company shall annually obtain from the recorder a certificate, which shall be *prima facie* evidence of his membership for one year from the date thereof; every member of such company during his membership, shall be exempt from service on juries, from military duty in time of peace, and from the payment of a poll tax.

Powers of common council.
To make by-laws and ordinances concerning fires.
To establish fire companies.
Construct reservoirs.

Powers of fire companies to appoint Officers.
Pass by-laws.
Impose fines.

Certificate of membership.

Exemption.

Sec. 5. That section twenty-two of said act be amended so as to read as follows: "Sec. 22. The street commissioners of the several wards, and such other officers as the common council shall direct and appoint, shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, bridges and sidewalks within the limits of their respective wards, in such manner as he or they may from time to time be directed. The common council shall have power to cause the expenses of making, grading, paving and opening streets, lanes and alleys, of grading, paving or planking sidewalks, of making drains and sewers and other local improvements, to be assessed against the owners or occupants of the lots or premises which are in front of or adjoining such improvements, or by general tax, as they may deem just and proper; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may by such by-laws and ordinances provide that the real estate assessed for

Sec. 22, amended.
Duties of street commissioners.

Common council to have power to cause expenses in certain cases to be assessed against owners of property.

By-laws and ordinances relative to mode of assessing.

such improvements may be sold or leased for a term of years to pay such assessment. The street commissioners of the several wards shall collect all street taxes assessed in their respective wards, and make return of delinquent street taxes for their respective wards to the supervisor, in the same manner and with like effect as returns of delinquent highway taxes by overseers of highways in townships and such street commissioners shall give a bond in such penalty as the common council shall prescribe or direct, and with such surety as may be required, conditioned for the faithful performance of their respective duties, and for the accounting for and paying over all such moneys as shall come into their hands by virtue of their said office; and the said street commissioners shall receive as full compensation, three per centum on all sums actually collected and paid over by them to the treasurer of said city, and one dollar for each day, and at the same rate for all parts of days by them actually employed as street commissioners in the repairing or improving the streets, lanes, alleys and public grounds in their respective wards: *Provided*, That no street commissioners shall receive more than forty dollars per annum for services so rendered.

Sec. 6. That section twenty-eight of said act be amended so as to read as follows: "Sec. 28. The common council of said city is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon the township boards of the several townships of this State in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, justices of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council, and the supervisor shall also perform the duties of assessors in their respective wards."

Sec. 7. That section twenty-nine of said act be amended so as to read as follows: "Sec. 29. The common council shall have authority to assess, levy and collect taxes on all real and personal estate taxable in said city, which taxes shall be and remain a lien upon the property so

assessed until the same shall be paid: *Provided*, That they shall not ^{Proviso.} raise by general tax more than eight hundred dollars in any one year, exclusive of school taxes and taxes for highway purposes, unless authorized thereto by a vote of the property tax payers of said city who are electors, when convened for that purpose pursuant to previous notice."

Sec. 8. That section thirty-one of said act be amended so as to read ^{Sec. 31, amended.} as follows: "Sec. 31. The supervisor shall take the assessment of prop- ^{Supervisor to take as-} erty in their respective wards, and all State, county and school taxes in ^{essment.} said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers, except as otherwise provided in this act; and all proceedings for the return, sale, and redemption of real estate for non-payment of taxes, shall be in conformity with the proceedings for the return, sale and redemption of real estate by township officers. The common council shall apportion all general city taxes to the respective wards, and each ^{Apportion-} supervisor shall issue his warrant to the city treasurer, who shall collect ^{ment of tax-} all taxes in the same manner as township treasurers." ^{es to wards.} ^{Warrant to} ^{city treasurer.}

Sec. 9. That section thirty-six of said act be amended so as to read ^{Sec. 36, amended.} as follows: "Sec. 36. The officers of said corporation shall be entitled to ^{Compensa-} receive out of the city treasury the following sums, in full payment for ^{tion of off-} their services, the recorder and attorney shall be entitled to receive, re- ^{cers.} spectively, such sums as the common council shall allow, not exceeding twenty-five dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are by law allowed for similar services, and he shall also receive such further compensation, not exceeding twenty-five dollars per annum, as the common council shall allow; the treasurer and collector, justices of the peace, supervisors and constables shall be allowed the same fees as are by law allowed to corresponding township officers; the directors of the poor, school inspectors, and all other officers of said city, except the aldermen, shall be entitled to receive such compensation as the common council shall allow, not exceeding one dollar per day for every day actually employed in the performance of the duties of their respective offices.

Approved February 2, 1857.

[No. 36.]

AN ACT to change the name of the township of Egbert, in the county of Midland.

SECTION 1. *The People of the State of Michigan enact, That the name of the township of Egbert, in the county of Midland, be and the same is hereby changed to that of Jerome, and by that name it shall hereafter be known and designated.*

Approved February 2, 1857.

[No. 37.]

AN ACT to extend the time for the collection of taxes in the township of Flint, in the county of Genesee.

Time of
extension.

SECTION. 1. *The People of the State of Michigan enact, That the time for the collection and return of taxes in the township of Flint, for the year one thousand eight hundred and fifty-six, is hereby extended to the second Monday in March next.*

Power of
treasurer.

Sec. 2. The treasurer of the said township of Flint is hereby authorized and empowered to proceed and collect said taxes in the same manner and as fully as he otherwise would, in the life-time of his warrant, to him directed for that purpose, and to make his returns on or before the second Monday in March next; and the said warrant is hereby continued in full force until the said second Monday of March aforesaid, for said purpose.

Treasurer
to pay over
moneys and
renew bond.

Sec. 3. It shall be the duty of said treasurer, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of said warrant as now provided by law, and to renew his official bond to the satisfaction of the county treasurer of said county of Genesee.

Transcript
of unpaid
taxes to be
returned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and all such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year one thousand eight hundred and fifty-six, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 2, 1857.

[No. 38.]

AN ACT to collect, compile and reprint the laws of this State.

SECTION 1. *The People of the State of Michigan enact*, That all acts and parts of acts, and general laws now in force in this State, and all acts and parts of acts passed by the present Legislature, which shall be approved and become laws, shall be collected and reprinted without alteration, under their appropriate heads and titles, with marginal notes and references and an index thereto, pursuant to the provisions of section fifteen, of article eighteen, of the constitution of this State.

Laws to be collected and reprinted.

Sec. 2. It shall be the duty of the Governor to appoint two commissioners whose duty it shall be to examine the laws so collected and arranged, and if found by them to be a correct compilation of all general laws in force, shall certify the same to the Governor.

Commissioners to examine laws collected and arranged, and to certify to Governor.

Sec. 3. Said laws when so collected and examined shall be reprinted and bound into one or more volumes of convenient size, and in as good style as that of the revised statutes of this State, published in the year eighteen hundred and forty-six, and in as good and substantial a manner; five thousand copies thereof to be completed and deposited in the office of the Secretary of State by the first day of November next, and another five thousand copies by the first of January next.

Laws to be reprinted and bound in one volume.

10,000 to be deposited in office of Secretary of State.

Sec. 4. The person appointed by the Legislature to collect and arrange the laws of this State as aforesaid, shall be entitled to receive for such services the sum of fourteen hundred dollars, and the commissioners appointed by the Governor to examine the same as aforesaid, shall receive for such services the sum of two hundred and fifty dollars each.

Compensation of compiler and commissioners.

Sec. 5. The Secretary of State is hereby authorized and directed to furnish the person so appointed to collect and compile the laws, with five complete sets of all sessions laws and revised statutes since the organization of the State, and one copy of all territorial laws of the Territory of Michigan.

Secretary of State to furnish compiler with acts of laws.

This act is ordered to take immediate effect.

Approved February 2, 1857.

[No. 39.]

AN ACT to change the name of Edwin E. Bullock.

SECTION 1. *The People of the State of Michigan enact*, That the name of Edwin E. Bullock be and the same is hereby changed to Edwin B. Easton.

(This act shall take effect immediately.)

Approved February 3, 1857.

[No. 40.]

AN ACT to abolish the office of district attorney for the Upper Peninsula, and provide for the election of prosecuting attorneys of the several counties therein.

Prosecuting attorney to be elected in Upper Peninsula on last Tuesday of January, 1857.

Term of office.

Powers and duties.

Manner of conducting elections.

Exception.

Office of district attorney, continued.

SECTION 1. *The People of the State of Michigan enact*, At the election to be held in said Upper Peninsula on the last Tuesday of September, in the year eighteen hundred and fifty-seven, and every two years thereafter, a prosecuting attorney for each organized county of said Upper Peninsula shall be elected by the electors thereof, whose term of office shall commence on the first day of January next succeeding his election; and said prosecuting attorney shall have all the rights, powers and duties of prosecuting attorneys under the general laws of this State.

Sec. 2. The election for said prosecuting attorneys shall be notified, conducted, canvassed, certified, and recorded, and the result thereof notified and transmitted in all respects, as near as may be, in conformity with the provisions of the statutes of this State, applicable to the election of county officers, except that the county canvass shall be on the second Tuesday next following the election; and any and each of the prosecuting attorneys elected as aforesaid shall be subject to all provisions of law relative to prosecuting attorneys in this State.

Sec. 3. The office of district attorney for the Upper Peninsula shall remain, and nothing contained in this act shall impair the duties of the office.

Approved February 3, 1857.

[No. 41.]

AN ACT to extend the time for the collection and return of taxes in the township of Pontiac, in the county of Oakland.

SECTION 1. *The People of the State of Michigan enact, That* Time of extension. the time for the collection of taxes in the township of Pontiac, in the county of Oakland, for the year eighteen hundred and fifty-six, is hereby extended to the first Monday of March next.

Sec. 2. The treasurer of said township is hereby authorized and Powers of treasurer. empowered to proceed and collect said taxes as fully as he could have done during the life-time of his warrant, and make his return at any time before the first Monday of March next: *Provided*, He shall first renew his official bond to the satisfaction of the treasurer of said county.

Sec. 3. A transcript of all unpaid taxes returned to the county Transcript of unpaid taxes to be returned. treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

Sec. 4. This act is ordered to take immediate effect.

Approved February 3, 1857.

[No. 42.]

AN ACT to provide for establishing the seat of justice for the county of Mecosta.

SECTION 1. *The People of the State of Michigan enact, That the* Governor to appoint 3 commissioners to locate county seat. Executive be and he hereby is authorized and required to appoint three commissioners to locate the seat of justice for the county of Mecosta, for the term of ten years.

Sec. 2. The commissioners, or a majority of them, shall within sixty days after being notified of their appointment, take an oath or affirmation Oath of commissioners. faithfully to discharge the duties assigned to them, and that they have no interest directly or indirectly therein, and proceed to locate the seat of justice in said county, as by their appointment directed, and when they shall have located said seat of justice, they shall report their Report. proceedings to the Executive, and if he approve of the same, he shall Approval of Governor.

Proclama-
tion to be
published.

Proviso.

Compensa-
tion of com-
missioners.

By whom
paid.

Proviso.

Proviso.

Proviso.

endorse his approval thereon, and cause it to be filed in the office of the Secretary of State, and the Executive shall cause a proclamation to be made establishing a seat of justice in said county of Mecosta, agreeable to the report of the commissioners so made and accepted, and such proclamation he shall cause to be published in two papers printed in the State of Michigan: *Provided*, That if, in his opinion, any thing tending to impeach the fairness of the proceedings on the part of the commissioners shall be communicated to the Executive, he shall not approve of said location, but shall report the whole proceeding to the next Legislature, to be disposed of as said Legislature may deem expedient.

Sec. 3. The said commissioners shall be allowed three dollars for every day on which they may be engaged in exploring said county, for the purpose of locating said county site, and three dollars for every twenty miles travel in going to and returning from said county, which amount shall be paid to the said commissioners by the person or persons upon whose lands the seat of justice may be located, before any such location shall be approved of either by the Executive or the Legislature: *Provided*, It shall be located on lands not belonging to the United States or to this State: *And provided*, That no more than twenty days pay for each commissioner shall be allowed: *Provided*, That the State shall in no case be liable for the expenses or services rendered by said commissioners.

Approved February 3, 1857.

[No. 43.]

AN ACT for the relief of fractional school district number nine, of the townships of Scio and Webster, in the county of Washtenaw.

Fractional
district No.
9, may bor-
row money
to pay for
site and
debts.

May issue
bonds.

SECTION 1. *The People of the State of Michigan enact*, That fractional school district number nine of the townships of Scio and Webster, in the county of Washtenaw, be and they are hereby authorized and empowered to borrow money to pay for the site, and to pay the debts that have accrued against said district for the erection and furnishing of their union school house, which has been erected within the year last past, to an amount not exceeding five thousand dollars; and that the district board of said district, be and they are hereby authorized and empowered to issue the bonds of said district for payment of

any moneys so borrowed, in the same manner and with the same force and effect, and at the same rate of interest as is provided by an act entitled "An act for the relief of school districts," approved February seventh, eighteen hundred and fifty-five, in cases where a school district has more than three hundred children between the ages of four and eighteen years residing in such district.

Sec. 2. This act shall take effect immediately.

Approved February 3, 1857.

[No. 44.]

AN ACT to amend sections three and sixteen of chapter twenty-four, title six, of the revised statutes of eighteen hundred and forty-six, so as to increase the rate of commutation for labor assessed on the highways.

SECTION 1. *The People of the State of Michigan enact, That* Sec. 3, amended. section three of chapter twenty-four, title six of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so that said section will read as follows:

"Sec. 3. Every person liable to work on the highways, shall work the whole number of days for which he shall have been assessed, but every such person, other than an overseer, whether resident or non-resident, may elect to commute for the same or any part thereof, at the rate of one dollar for each day, in which case such commutation money shall be paid to the overseer of highways of the district in which the labor is required to be performed, and shall be applied and expended by such overseer in the purchase of implements, or construction and repair of the roads and bridges in the same district, except when said taxes are otherwise appropriated or disposed of by law."

Person liable to work on highways may commute.
To whom commutation moneys paid.

Sec. 2. That section sixteen of said chapter twenty-four, be and the same is hereby amended so that said section shall read as follows: Sec. 16, amended.

"Sec. 16. The supervisor of each township shall cause the amount of such arrearages of labor, estimating the same at one dollar for each day, to be levied on the lands so returned, and to be collected in the same manner that contingent charges of the township are collected, and the same when collected, shall be paid into the township treasury, to be applied by the commissioners of highways, in the construction and im-

Supervisor to cause amount of arrearages to be levied and collected.

provement of roads and bridges, in the road district for the benefit of which the labor was originally assessed, except when said taxes are otherwise appropriated or disposed of by law."

Sec. 3. This act is ordered to take immediate effect.

Approved February 3, 1857.

[No. 45.]

AN ACT to amend sections nineteen, twenty and twenty-one of an act entitled an act to provide for the incorporation of railroad companies, approved February 12, 1855.

Sections 19,
20, 21,
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections nineteen, twenty and twenty-one, of an act entitled an act to provide for the incorporation of railroad companies, approved February 12, 1855, be amended so that said sections so amended, shall read as follows:

Petition to
circuit
court.

"Sec. 19. For the purpose of acquiring such title, such company may present a petition to the circuit court for such county, at any term thereof, or during vacation of term to any judge of a court of record, praying for the appointment of three commissioners; said petition shall be in the name of the company, and shall be signed by one of the directors, or the engineer, or the attorney of said company, on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property or franchises, or so much thereof as the company seeks to acquire under such petition in said county, that said company is duly incorporated, that it is the intention of said company in good faith to construct and finish a railroad from and to the places named for that purpose in its article of association, that the capital stock of the company has been in good faith subscribed as required by this act, that the company have surveyed the route of its proposed road in said county, and made a map and survey thereof, by which said route is designated, and that they have located their said road according to such survey, and filed a certificate thereof, signed by a majority of the directors of said company, in the clerk's office of said county, that the property described in the petition is required for the purpose of constructing, operating or repairing the proposed road or its appurtenances, and that the company has not been able to acquire title thereto, and the reason of such inability. The peti-

To be in
name of
company.
By whom
signed.
To be on
oath.
What peti-
tion to set
forth.

tion must also state the names and places of residence of the parties, so far as the same can with reasonable diligence be ascertained, who own, or have or claim to own, or have estates or interests in said property; and if any such persons are infants, their ages as near as may be, must be stated, and if any of them are idiots, or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances, or otherwise as the company may see fit to make; a copy of such other facts and allegations as to incumbrances, or otherwise as the company may see fit to make; a copy of such petition, with a notice of the time and place will be presented to such court or to any judge of a court of record, must be served on all persons whose interests are affected by the proceedings, at least ten days prior to the presentation of the same to the court, or to any judge of a court of record.

1. If the person on whom service is to be made resides in this State, and is not an infant, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, with some person of suitable age; and if he resides out of this State, but has such agent as aforesaid residing in this State, then service may be made on such agent in manner aforesaid, or upon him personally out of this State, or it may be by publishing a notice, stating briefly the object of the application, and giving a description of the land or property to be taken, in some daily paper published in the city of Detroit, and in a paper printed in the county in which such lands or property are situated, if there be one, once in each week for six weeks next previous to the presentation of the petition; and if the residence of such person residing out of this State be known, a copy of such petition shall be deposited in the post office, at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, and the postage in the United States paid thereon.

Upon whom copy of petition and notice must be served. How service must be made if party in interest resides in this State. How if he resides out of this State.

2. If any person on whom such service is to be made is a minor or an idiot, or person of unsound mind, and resides in this State, such service shall be made as aforesaid on his guardian or committee, as the case may be, or if none, then on the person who has the care of or with

How made when party in interest is a minor, idiot, or of unsound mind, and resides in

this State. whom said infant, idiot or person of unsound mind resides; but if such infant be over the age of fourteen years, then such service shall be made on him personally.

How made when party in interest or his residence is unknown. 3. If the person on whom such service is to be made be unknown, or his residence be unknown, then such service may be made by publication for six weeks in the same manner provided in the first subdivision in this section.

When infant, idiot or person of unsound mind interested, has no guardian or committee. Judge to appoint special guardian or committee, and service to be made on them. In cases not otherwise provided for service to be made as judge shall direct. 4. In case any party to be affected by the proceedings is an infant, idiot or person of unsound mind, and has no guardian or committee, the judge of the circuit court or any judge of a court of record shall appoint a special guardian or committee to attend to the interest of such infant, idiot or person of unsound mind; and all notices to be served in the progress of the proceeding may be served on such special guardian or committee.

5. In all cases not otherwise provided for, service of orders, notices and other papers in the proceedings authorized by this act, may be made as the judge of the circuit court or any judge of a court of record may direct."

On presenting petition, parties in interest may show cause. "Sec. 20. On presenting such petition to the circuit court or any judge of a court of record as aforesaid, with proof of service of copy thereof and notice as aforesaid, all persons whose estates or interests is to be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts alleged therein, the judge of the circuit court or a judge of any court of record shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, said circuit court or judge of any court of record shall make an order appointing three disinterested and competent free holders, not residing or owning real estate in any township or city through which said road is to run, as commissioners to ascertain and determine the necessity for taking such lands, franchises or other property, and to appraise and determine damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the company; and such circuit court or judge of any court of record shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person or persons or company, whose estate or interest is affected by the proceedings, may demand and have from such circuit

Court may appoint 3 commissioners.

court or judge of any court of record at the time of the hearing of said petition, a jury of twelve freeholders residing in the vicinity of such property, Jury. to ascertain and determine the necessity for taking such lands, franchises or other property, and appraise and determine the damages or compensation to be allowed therefor; and thereupon said court or judge of any court How drawn. of record shall make an order for the drawing of such jury from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and shall issue a venire in the usual form, inserting therein twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor by the court or judge of any court of record, which said venire may be served by the sheriff or other Venire; by whom served. proper officer of the county as in other like cases; and if, at the time and place appointed by said court or a judge of any court of record for said jury to meet, any of the persons so summoned do not attend, it shall be competent for said court or judge of any court of record to order the sheriff of said county to summon immediately as many competent persons as may be necessary with the persons in attendance as jurors to furnish a panel of twelve jurors, and said jury when so summoned shall ascertain and determine the necessity for taking lands, franchises or other property, and to appraise and determine the damages or compensation to be allowed therefor to the owners or persons interested in each Duty of jury. particular description of real estate mentioned in said petition, who have demanded such jury, and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived."

"Sec. 21. The commissioners shall take and subscribe the oath prescribed by article eighteen of the constitution; any of them may issue Commissioners to take and subscribe oath of office. subpoenas, administer oaths to witnesses, and the majority of them may adjourn the proceedings before them from time to time in their discretion; whenever they must (meet) except by appointment of the court or Their powers and duties. judge of any court of record or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who Shall give notice of meeting. are to be affected by their proceedings, or the attorneys or agents of such parties; they shall view the premises described in the petition, Shall view the premises and hear process. and hear the proof and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in such case, and without any unreasonable delay, and before

Shall determine necessity of taking property.

Ascertain damages.

Shall make report.

Compensation of commissioners.

Jurors to proceed same as commissioners.

Jurors all to be present.

Jurors to take and subscribe oath.

Compensation of jurors.

proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed; and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the company on account of any damage or on account of the construction, repairing or operating of said railroad or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to the general or special guardian or committee of an infant, idiot or person of unsound mind, or to the clerk of the circuit court of such county, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for cost or expenses and counsel fees. They shall make a report to said circuit court, signed by them or a majority of them of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to three dollars a day for each day they are engaged in the performance of their duties, to be paid by the company, and in case a jury shall have been demanded and ordered by the court or judge of any court of record pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damage or compensation to be paid by the company therefor, in the same manner and with like effect as is provided in this section in the case of commissioners, but they shall all be present and act together during the proceedings, and shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed, and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said company to the owners of or persons interested in each particular description of real estate mentioned in said petition, who have demanded said jury, and they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be also paid by the company."

This act ordered to take immediate effect.

Approved February 3, 1857.

[No. 46.]

AN ACT to incorporate the city of Port Huron.

SECTION 1. *The People of the State of Michigan enact, That Boundaries.* so much of the township of Port Huron, in the county of St. Clair, as is embraced in the following description, to wit: all of fractional section two (2), fractional section eleven (11), fractional section fourteen (14), the north half of section fifteen, (15), all of section ten (10), and all that part of section three (3) lying south and west of Black River, in town six (6) north of range seventeen (17) east, and also all the waters of the Black and St. Clair rivers within and in front of the above limits, is hereby set off from the township of Port Huron, and constituted the city of Port Huron, by which name it shall be hereafter known.

Sec. 2. The inhabitants of said city from time to time shall be and ^{To be body corporate.} continue a body corporate and politic, to be known and distinguished by the name and title of the council and freemen of the city of Port ^{title.} Huron, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered into, (unto) and of defending and being defended in all courts of law and equity, and in all other places whatever, and may ^{Seal.} have a common seal which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for the use of said city.

Sec. 3. The said city shall be divided into two ^{Wards.} wards, as follows, to wit: all that part of the city north of Black River shall be the first ward; the second ward shall include all that part of the city lying south of Black River.

Sec. 4. The municipal government of the city shall consist of a ^{Municipal government.} common council, composed of a mayor, recorder, and four aldermen, of whom the mayor, or recorder and three aldermen, or any four of them shall constitute a quorum.

Sec. 5. The following officers shall be chosen in and for the said ^{Officers.} city, to wit: one mayor, one recorder, who shall be ex-officio school inspector, one treasurer, one marshal, who shall be ex-officio collector of taxes, one street commissioner, two school inspectors, two directors of the poor, and two justices of the peace, who shall be elected in the following manner, to wit: the mayor, recorder, treasurer, marshal, and

this State. whom said infant, idiot or person of unsound mind resides; but if such infant be over the age of fourteen years, then such service shall be made on him personally.

How made when party in interest or his residence is unknown. 3. If the person on whom such service is to be made be unknown, or his residence be unknown, then such service may be made by publication for six weeks in the same manner provided in the first subdivision in this section.

When infant, idiot or person of unsound mind interested, has no guardian or committee. 4. In case any party to be affected by the proceedings is an infant, idiot or person of unsound mind, and has no guardian or committee, the judge of the circuit court or any judge of a court of record shall appoint a special guardian or committee to attend to the interest of such infant, idiot or person of unsound mind; and all notices to be served in the progress of the proceeding may be served on such special guardian or committee.

Judge to appoint special guardian or committee, and service to be made on them. In cases not otherwise provided for service to be made as judge shall direct. 5. In all cases not otherwise provided for, service of orders, notices and other papers in the proceedings authorized by this act, may be made as the judge of the circuit court or any judge of a court of record may direct."

On presenting petition, parties in interest may show cause. "Sec. 20. On presenting such petition to the circuit court or any judge of a court of record as aforesaid, with proof of service of copy thereof and notice as aforesaid, all persons whose estates or interests is to be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts alleged therein, the judge of the circuit court or a judge of any court of record shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, said circuit court or judge of any court of record shall make an order appointing three disinterested and competent free holders, not residing or owning real estate in any township or city through which said road is to run, as commissioners to ascertain and determine the necessity for taking such lands, franchises or other property, and to appraise and determine damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the company; and such circuit court or judge of any court of record shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person or persons or company, whose estate or interest is affected by the proceedings, may demand and have from such circuit

Court may appoint 3 commissioners.

court or judge of any court of record at the time of the hearing of said petition, a jury of twelve freeholders residing in the vicinity of such property, Jury. to ascertain and determine the necessity for taking such lands, franchises or other property, and appraise and determine the damages or compensation to be allowed therefor; and thereupon said court or judge of any court How drawn. of record shall make an order for the drawing of such jury from the petty jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and shall issue a venire in the usual form, inserting therein twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor by the court or judge of any court of record, which said venire may be served by the sheriff or other proper officer of the county as in other like cases; and if, at the time and place appointed by said court or a judge of any court of record for said jury to meet, any of the persons so summoned do not attend, it shall be competent for said court or judge of any court of record to order the sheriff of said county to summon immediately as many competent persons as may be necessary with the persons in attendance as jurors to furnish a panel of twelve jurors, and said jury when so summoned shall ascertain and determine the necessity for taking lands, franchises or other property, and to appraise and determine the damages or compensation to be allowed therefor to the owners or persons interested in each particular description of real estate mentioned in said petition, who have demanded such jury, and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived."

Venire; by whom served.

Duty of jury.

"Sec. 21. The commissioners shall take and subscribe the oath prescribed by article eighteen of the constitution; any of them may issue subpoenas, administer oaths to witnesses, and the majority of them may adjourn the proceedings before them from time to time in their discretion; whenever they must (meet) except by appointment of the court or judge of any court of record or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties; they shall view the premises described in the petition, and hear the proof and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in such case, and without any unreasonable delay, and before

Commissioners to take and subscribe oath of office.

Their powers and duties.

Shall give notice of meeting.

Shall view the premises and hear process.

Shall determine necessity of taking property.

Ascertain damages.

Shall make report.

Compensation of commissioners.

Jurors to proceed same as commissioners.

Jurors all to be present.

Jurors to take and subscribe oath.

Compensation of jurors.

proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed; and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the company on account of any damage or on account of the construction, repairing or operating of said railroad or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to the general or special guardian or committee of an infant, idiot or person of unsound mind, or to the clerk of the circuit court of such county, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for cost or expenses and counsel fees. They shall make a report to said circuit court, signed by them or a majority of them of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to three dollars a day for each day they are engaged in the performance of their duties, to be paid by the company, and in case a jury shall have been demanded and ordered by the court or judge of any court of record pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damage or compensation to be paid by the company therefor, in the same manner and with like effect as is provided in this section in the case of commissioners, but they shall all be present and act together during the proceedings, and shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed, and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said company to the owners of or persons interested in each particular description of real estate mentioned in said petition, who have demanded said jury, and they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be also paid by the company."

This act ordered to take immediate effect.

Approved February 3, 1857.

[No. 46.]

AN ACT to incorporate the city of Port Huron.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. so much of the township of Port Huron, in the county of St. Clair, as is embraced in the following description, to wit: all of fractional section two (2), fractional section eleven (11), fractional section fourteen (14), the north half of section fifteen, (15), all of section ten (10), and all that part of section three (3) lying south and west of Black River, in town six (6) north of range seventeen (17) east, and also all the waters of the Black and St. Clair rivers within and in front of the above limits, is hereby set off from the township of Port Huron, and constituted the city of Port Huron, by which name it shall be hereafter known.

Sec. 2. The inhabitants of said city from time to time shall be and ^{To be body corporate.} continue a body corporate and politic, to be known and distinguished by the name and title of the council and freemen of the city of Port ^{Title.} Huron, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered into, (unto) and of defending and being defended in all courts of law and equity, and in all other places whatever, and may have a common seal ^{Seal.} which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for the use of said city.

Sec. 3. The said city shall be divided into two ^{Wards.} wards, as follows, to wit: all that part of the city north of Black River shall be the first ward; the second ward shall include all that part of the city lying south of Black River.

Sec. 4. The municipal government of the city shall consist of a ^{Municipal government.} common council, composed of a mayor, recorder, and four aldermen, of whom the mayor, or recorder and three aldermen, or any four of them shall constitute a quorum.

Sec. 5. The following officers shall be chosen in and for the said ^{Officers.} city, to wit: one mayor, one recorder, who shall be ex-officio school inspector, one treasurer, one marshal, who shall be ex-officio collector of taxes, one street commissioner, two school inspectors, two directors of the poor, and two justices of the peace, who shall be elected in the following manner, to wit: the mayor, recorder, treasurer, marshal, and

**Term of
office.**

street commissioner, shall be elected annually and shall hold their offices for one year, and until their successors shall have been elected and qualified; there shall also be elected annually one school inspector and one

Proviso.

director of the poor, for the term of two years: *Provided*, That at the first election there shall be elected two school inspectors and two direc-

Proviso.

tors of the poor: *And provided also*, That immediately after said first election, the common council shall meet and determine by lot which of the school inspectors, and which of the directors of the poor, so elected, shall serve for one year and which for two years; there shall also be elected annually one justice of the peace for the term of two years: *Pro-*

Proviso.

vided, That at the first election there shall be elected two justices of the

Proviso.

peace: *And provided also*, That immediately after said first election, the common council shall meet and determine by lot which of the justices of the peace so elected shall serve for one year and which for two

Proviso.

years: *Provided*, That no justice of the peace shall be elected, unless there be a deficiency in the number of two, occasioned by the expiration of the term of office or otherwise, of one or more of the justices heretofore elected in the township of Port Huron, and who shall be residents within the bounds of said city at the time this act shall take effect; such justices shall be justices of the peace of said city, and hold their offices during the term for which they were elected, or unless a deficiency shall occur from some other cause.

**Other offi-
cers elected.**

Sec. 6. There shall be elected at the same time one supervisor, one treasurer, one constable, and one alderman for each of said wards, the said supervisor, treasurer and constable, to hold their offices respectively in and for the term of one year and until their successors are elected and qualified; the said aldermen to hold their offices for two years, and

Proviso.

until their successors are elected and qualified: *Provided*, That at the annual election in the year eighteen hundred and fifty-seven there shall be elected in each ward, two aldermen, one for the term of one year and one for the term of two years. The mayor, if present, shall act as chairman of such inspectors, and the recorder and person so chosen, shall act as clerks thereof, and in case of the absence of the mayor or recorder, the electors present may choose *viva voce*, from their number present, to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, either by said inspectors or by a justice of the peace; all other proceedings relative to such election shall be conducted

in the same manner as is provided for annual elections in the act hereby amended. The supervisors in and for the several wards, shall represent the Supervisors of wards. said wards in the board of supervisors of the county, and shall be entitled to all the rights, privileges and powers, and shall be subject to all the obligations of supervisors of townships. The said treasurers in their respective Treasurers of wards. wards, for the purpose of the collection and return of State, county, school, library and school house taxes, shall be deemed township treasurers, and shall for these purposes have all the powers and perform all the duties, and be subject to all the liabilities of township treasurers. The treasurer of each ward shall, on or before the fifth day of November, give to the county treasurer a bond in double the amount of the Treasurer's bond. State and county taxes apportioned to his ward, with good and sufficient sureties, to be approved by the supervisor of his ward or the county treasurer, with like condition as that required of township treasurers, and shall also within the same time give to the city treasurer and his successors in office, a bond in such sum as the supervisor of his ward or the city treasurer shall approve, conditioned to the faithful discharge of the duties of his office, and that he will faithfully and truly account for and pay over according to law, all moneys which shall come to his hands as such treasurer, and the city treasurer shall file the same in his office. In case the treasurer of any ward shall refuse to serve, or shall Vacancy in office of treasurer; how filled. die, resign, or remove out of the ward before he he shall have entered upon or completed the duties of his office, or be disabled from completing the same from any cause, the common council shall forthwith appoint a treasurer for the remainder of the year, who shall give like security, and be subject to like penalties and duties, and have the same powers and compensation as the treasurer in whose place he was appointed; and the recorder shall immediately give notice of such appointment to the county treasurer, but such appointment shall not exonerate the former treasurer or his sureties from any liabilities incurred by him or them.

Sec. 7. The annual elections under this act, shall be held on the first Annual elections. Monday in April in each year, at such places in each of the wards as the common council shall designate, notice of which shall be given by Notice of. the recorder at least eight days before the election, by posting the same in three public places in each ward. The supervisor and alderman of each ward, shall be the inspectors of such elections, and they shall also Inspectors of elections.

be the inspectors of the State, district and county elections. The supervisor, if present, shall act as chairman to said inspectors, and the alderman shall act as clerk of said elections; and in case of the absence of one or more of such inspectors, the electors present may choose, viva voce, from their number, one or more to fill such vacancy or vacancies thereof, and cause to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number, and plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office. The treasurer and marshal shall, respectively, before entering upon the discharge of their duties, give such security to the common council as they shall direct; and in case any of the officers so elected shall neglect for the term of ten days to qualify as aforesaid, or to give such security, the office shall thereby become vacant.

Treasurer and marshal to give security.

Vacancies in city offices; how filled.

Sec. 8. In case of a vacancy in either of the city offices, the common council may order a special election in and for the whole city, at some proper place, for the purpose of electing some person to fill such vacancy; and such election shall be conducted and the votes canvassed by the

Vacancies in ward offices; how filled.

council of said city, or any three of them. In case of a vacancy in any of the offices of a ward, the common council may order a special election in such ward to fill such vacancy; which election shall be conducted in all respects, in the same manner as annual elections for ward officers. The common council shall designate the time and place for holding such special elections, notices of which shall be posted up in three or more public places in the city or ward, as the case may be, or published in one or more of the papers published in said city, at least five days prior to such election, which notice shall state what offices are to be filled, and any person so elected shall serve for the remainder of the term of such office.

Special elections to fill vacancies.

Powers and duties of officers in relation to elections.

Sec. 9. The president, recorder, and trustees of the village of Port Huron, shall have all the powers, and are hereby required to discharge all the duties, in relation to the first election to be held under this act that are conferred on the mayor, recorder and aldermen of the city of Port Huron, any two of whom may act as inspectors of election in either of the wards at such election; and in case no two of them shall appear

at the time and place appointed for such election, one or more shall be chosen from the voters present to act as such inspectors.

Sec. 10. It shall be the duty of the mayor to preside at all meetings of the common council, and in his absence, the common council may appoint any one of the number, for the time being, to preside at such meeting; and it shall be the duty of the recorder to attend all such meetings and keep a fair and accurate record of their proceedings. Duties of mayor.

Sec. 11. The common council shall meet regularly on the first Monday in every month for the purpose of attending to any business that may be properly brought before them, at such place, and also at such other times and places, as the mayor, and in his absence the recorder shall appoint; and the common council shall have power to impose, lay and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any of the other officers of the city and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence. Meetings of common council. Proviso.

Sec. 12. The common council shall have power to organize, maintain and regulate a police of the city, and to make all such by-laws and ordinances as they may deem necessary for the promotion of the public peace, and shall have full power and authority to make all such by-laws and ordinances relative to all nuisances within the limits of said city, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same or permitting the same to remain on his or her premises; to suppress all games of chance or hazard, and for the suppression of every species of gambling in said city, and for the suppression of disorderly and low houses; to prevent the vending, sale or giving away of any spirituous liquors by any person or in any place within said city, not authorized by law. The common council shall also have full power and authority to make all by-laws and ordinances for the suppression of riots and riotous conduct, and for the dispersion of crowds in the streets, the discharge of fire-arms, firecrackers, or making any improper noises that may tend to disturb the peace and good order of the city; for the apprehension and punishment of vagrants, drunkards, and idle persons, and to make all other such by-laws and ordinances as they shall deem proper for the safety, good order and government of Powers and duties of common council. Public peace. Nuisances. Games and gambling. Disorderly houses. Spirituous liquors. Riots. Vagrants, drunkards and idle persons.

**Term of
office.**

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

street commissioner, shall be elected annually and shall hold their offices for one year, and until their successors shall have been elected and qualified; there shall also be elected annually one school inspector and one director of the poor, for the term of two years: *Provided*, That at the first election there shall be elected two school inspectors and two directors of the poor: *And provided also*, That immediately after said first election, the common council shall meet and determine by lot which of the school inspectors, and which of the directors of the poor, so elected, shall serve for one year and which for two years; there shall also be elected annually one justice of the peace for the term of two years: *Provided*, That at the first election there shall be elected two justices of the peace: *And provided also*, That immediately after said first election, the common council shall meet and determine by lot which of the justices of the peace so elected shall serve for one year and which for two years: *Provided*, That no justice of the peace shall be elected, unless there be a deficiency in the number of two, occasioned by the expiration of the term of office or otherwise, of one or more of the justices heretofore elected in the township of Port Huron, and who shall be residents within the bounds of said city at the time this act shall take effect; such justices shall be justices of the peace of said city, and hold their offices during the term for which they were elected, or unless a deficiency shall occur from some other cause.

**Other off-
cers elected.**

Proviso.

Sec. 6. There shall be elected at the same time one supervisor, one treasurer, one constable, and one alderman for each of said wards, the said supervisor, treasurer and constable, to hold their offices respectively in and for the term of one year and until their successors are elected and qualified; the said aldermen to hold their offices for two years, and until their successors are elected and qualified: *Provided*, That at the annual election in the year eighteen hundred and fifty-seven there shall be elected in each ward, two aldermen, one for the term of one year and one for the term of two years. The mayor, if present, shall act as chairman of such inspectors, and the recorder and person so chosen, shall act as clerks thereof, and in case of the absence of the mayor or recorder, the electors present may choose *viva voce*, from their number present, to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, either by said inspectors or by a justice of the peace; all other proceedings relative to such election shall be conducted

in the same manner as is provided for annual elections in the act hereby amended. The supervisors in and for the several wards, shall represent the Supervisors of wards. said wards in the board of supervisors of the county, and shall be entitled to all the rights, privileges and powers, and shall be subject to all the obligations of supervisors of townships. The said treasurers in their respective Treasurer of wards. wards, for the purpose of the collection and return of State, county, school, library and school house taxes, shall be deemed township treasurers, and shall for these purposes have all the powers and perform all the duties, and be subject to all the liabilities of township treasurers. The treasurer of each ward shall, on or before the fifth day of November, give to the county treasurer a bond in double the amount of the Treasurer's bond. State and county taxes apportioned to his ward, with good and sufficient sureties, to be approved by the supervisor of his ward or the county treasurer, with like condition as that required of township treasurers, and shall also within the same time give to the city treasurer and his successors in office, a bond in such sum as the supervisor of his ward or the city treasurer shall approve, conditioned to the faithful discharge of the duties of his office, and that he will faithfully and truly account for and pay over according to law, all moneys which shall come to his hands as such treasurer, and the city treasurer shall file the same in his office. In case the treasurer of any ward shall refuse to serve, or shall Vacancy in office of treasurer; how filled. die, resign, or remove out of the ward before he he shall have entered upon or completed the duties of his office, or be disabled from completing the same from any cause, the common council shall forthwith appoint a treasurer for the remainder of the year, who shall give like security, and be subject to like penalties and duties, and have the same powers and compensation as the treasurer in whose place he was appointed; and the recorder shall immediately give notice of such appointment to the county treasurer, but such appointment shall not exonerate the former treasurer or his sureties from any liabilities incurred by him or them.

Sec. 7. The annual elections under this act, shall be held on the first Annual elections. Monday in April in each year, at such places in each of the wards as the common council shall designate, notice of which shall be given by Notice of. the recorder at least eight days before the election, by posting the same in three public places in each ward. The supervisor and alderman of Inspectors of elections. each ward, shall be the inspectors of such elections, and they shall also

be the inspectors of the State, district and county elections. The supervisor, if present, shall act as chairman to said inspectors, and the alderman shall act as clerk of said elections; and in case of the absence of one or more of such inspectors, the electors present may choose, viva voce, from their number, one or more to fill such vacancy or vacancies thereof, and cause to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number, and plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office. The treasurer and marshal shall, respectively, before entering upon the discharge of their duties, give such security to the common council as they shall direct; and in case any of the officers so elected shall neglect for the term of ten days to qualify as aforesaid, or to give such security, the office shall thereby become vacant.

Treasurer and marshal to give security.

Vacancies in city offices; how filled.

Sec. 8. In case of a vacancy in either of the city offices, the common council may order a special election in and for the whole city, at some proper place, for the purpose of electing some person to fill such vacancy; and such election shall be conducted and the votes canvassed by the

Vacancies in ward offices; how filled.

council of said city, or any three of them. In case of a vacancy in any of the offices of a ward, the common council may order a special election in such ward to fill such vacancy; which election shall be conducted in all respects, in the same manner as annual elections for ward officers.

Special elections to fill vacancies.

The common council shall designate the time and place for holding such special elections, notices of which shall be posted up in three or more public places in the city or ward, as the case may be, or published in one or more of the papers published in said city, at least five days prior to such election, which notice shall state what offices are to be filled, and any person so elected shall serve for the remainder of the term of such office.

Powers and duties of officers in relation to elections.

Sec. 9. The president, recorder, and trustees of the village of Port Huron, shall have all the powers, and are hereby required to discharge all the duties, in relation to the first election to be held under this act that are conferred on the mayor, recorder and aldermen of the city of Port Huron, any two of whom may act as inspectors of election in either of the wards at such election; and in case no two of them shall appear

at the time and place appointed for such election, one or more shall be chosen from the voters present to act as such inspectors.

Sec. 10. It shall be the duty of the mayor to preside at all meetings of the common council, and in his absence, the common council may appoint any one of the number, for the time being, to preside at such meeting; and it shall be the duty of the recorder to attend all such meetings and keep a fair and accurate record of their proceedings. Duties of mayor.

Sec. 11. The common council shall meet regularly on the first Monday in every month for the purpose of attending to any business that may be properly brought before them, at such place, and also at such other times and places, as the mayor, and in his absence the recorder shall appoint; and the common council shall have power to impose, lay and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any of the other officers of the city and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence. Meetings of common council. Proviso.

Sec. 12. The common council shall have power to organize, maintain and regulate a police of the city, and to make all such by-laws and ordinances as they may deem necessary for the promotion of the public peace, and shall have full power and authority to make all such by-laws and ordinances relative to all nuisances within the limits of said city, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same or permitting the same to remain on his or her premises; to suppress all games of chance or hazard, and for the suppression of every species of gambling in said city, and for the suppression of disorderly and low houses; to prevent the vending, sale or giving away of any spirituous liquors by any person or in any place within said city, not authorized by law. The common council shall also have full power and authority to make all by-laws and ordinances for the suppression of riots and riotous conduct, and for the dispersion of crowds in the streets, the discharge of fire-arms, firecrackers, or making any improper noises that may tend to disturb the peace and good order of the city; for the apprehension and punishment of vagrants, drunkards, and idle persons, and to make all other such by-laws and ordinances as they shall deem proper for the safety, good order and government of Powers and duties of common council. Public peace. Nuisances. Games and gambling. Disorderly houses. Spirituous liquors. Riots. Vagrants, drunkards and idle persons.

said city, not inconsistent with the laws and constitution of this State or of the United States.

Hay, Wood. Sec. 13. The common council shall also have power to make by-laws and ordinances relative to the weighing of hay, measuring of fire wood and sale of the same, and for that purpose may appoint some proper person to measure all fire-wood brought into the city for the purpose of

Drays, carts, &c. sale in the streets or public grounds; and also relative to drays, carts and other vehicles kept for the transportation of persons and property in said city, prescribe the amount of charges for services, and to designate their stands, and also designate the stands for the sale of hay, wood, produce and other things exposed for sale in the streets or public grounds, and also for the regulation of a city market; to prevent and

Immoderate driving. punish all immoderate driving in any of the streets of said city; to pro-

Public bathing. hibit any public bathing within said city; to prevent the improper driving over the sidewalks or incumbering the said walks and streets, alleys

Graveyards. or public grounds, and to regulate all graveyards and burial of the dead

Showmen. for said city; relative to common showmen, the restraining of swine, horses and other animals from running at large in the streets or other

Running at large of animals. public places in said city, and regulate and establish one or more pounds in said city.

Public health. Sec. 14. The common council shall have power, and it shall be their duty, to adopt measures for the preservation of the public health of said city, to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the said city, and shall be a board of health and invested with such powers and subject to such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases; to provide for its proper organization, and for the appointment of the proper officers, and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act; they shall also have full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for the preservation of the salubrity of the waters of the Black river

Black river, St. Clair river. and St. Clair river, or other streams within the limits of the said city; relative to the opening of sluices and building all wharves; relative to

the filling up all low grounds or lots covered or partially covered with water; relative to the embankment of the margin of said rivers within said limits, and shall also have full power and authority to prevent and remove all obstructions to the navigation of said rivers within the limits of said city, and to regulate or prevent the erection of booms, stopping of tugs, rafts of lumber or timber, or any other obstruction, and to cause said rafts of logs, timber, lumber, booms or other obstructions, in any manner affecting the free navigation, or affecting the salubrity of said waters, to be removed and prevented, and may cause such rafts of logs, lumber, timber, &c., to be seized and held, to be sold, or to make the owner or owners thereof, or any person having the same in charge, personally liable for any fine or penalty imposed by the ordinances or by-laws, for any such obstruction or delay in removing the same as shall be provided in such ordinances or by-laws.

Obstruc-
tions to
navigation.

Sec. 15. The common council shall have power and authority, and it is hereby made their duty, to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinances; to cause all grounds therein, where water shall become stagnant, to be raised, filled up or drained, and to cause all putrid substances, whether animal or vegetable, to be removed to a distance beyond the limits of said city; and when it may become necessary for the abatement of such nuisance, to pull down any buildings or to fill up or level any grounds, it shall be lawful for the common council to assess the costs or expenses of such filling up or leveling or removing buildings upon the property improved; and should the owner or occupant, on reasonable notice being had, neglect or refuse to pay the full amount of such assessment, the said common council shall have full authority to sell or lease such property or premises at public auction for the least number of years that will defray such charge or expenses, giving thirty days previous notice of the time and place of such sale or leasing, in some newspaper published in said city; and such sale shall vest a full and legal title to the purchasers for such term as the same may be sold: *Provided*, That said costs and expenses, or any part thereof, may be at the discretion of the common council, and with the consent of the freeholders by a two-thirds vote, in legal meeting assembled, paid or provided for by a general assessment upon the property of the whole city.

Abatement
of nuisances.

Proviso.

Highway
taxes.

Streets, &c.

Sewers re-
servoirs, &c.

Bridges.

Paving
streets.

Sidewalks.

Establish
grades of
streets and
sidewalks,
and lines of
buildings.

Laying out
streets, &c.

Proceedings
when pri-
vate proper-
ty is to be
taken for
public use.

Sec. 16. The common council shall have full power and authority to levy and collect highway taxes, and to make by-laws and ordinances relative to the time and manner of working upon the streets, lanes and alleys of said city; and also relative to the time and manner of assessing, levying and collecting all highway and side-walk taxes.

Sec. 17. The common council shall have power and authority to construct sewers and reservoirs, and to provide for supplying such reservoirs with water, to cause bridges to be built or repaired, streets to be graded, paved or planked within the bounds of the city, whenever they shall deem the same necessary and proper; they shall also have power to cause side-walks to be constructed or repaired, when and where they shall deem necessary and proper, and cause the expenses thereof, and of such grading, paving, or planking of streets to be assessed on lots or premises adjoining or in front of such streets or sidewalks, or by general assessment, as they may direct; to fix and establish the grades of all such streets and side-walks, and also to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend.

Sec. 18. The common council shall have authority to lay out and establish, open, make and alter, such streets, lanes and alleys, side-walks, highways and water courses, market places, public parks and bridges, within the limits of said city, as they may deem necessary for the public convenience; and if, in doing so, they shall require for such purpose the grounds of any person, they shall give notice thereof to the owners or parties interested, or his or their agent or representatives, by personal service, or by a notice published in some newspaper published in said city, at least three weeks previous to the meeting of the common council for the purposes aforesaid; and the said common council are hereby authorized to treat with such persons for such grounds or premises, and if for any cause a stipulation between parties shall not be perfected, it shall be lawful for the council to direct the recorder of said city to issue a venire facias, directed to the marshal of said city, or to any constable of said county, commanding him to summon a jury of twelve disinterested freeholders to be taken from within the limits of said city, to appear before any justice of the peace of said city, and at any time therein to be stated, to enquire into and assess the damages in the case; which jury being duly sworn by said justice faithfully and impartially to en-

quire into and assess the damages in the case in question, and having viewed the premises, if necessary, shall enquire of and assess such damages as they shall judge fit, to be awarded to the owner or owners or parties interested in such grounds or premises, for their respective interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment thereon confirming the same; and such sum or sums so assessed, together with his or their costs, shall be paid or legally tendered to the claimant thereof before such street, lane, alley, side-walk, highway, market place, public park or bridge, shall be made, opened, established, or altered; but if such jury shall find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimants for costs, and issue execution therefor, and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the purposes aforesaid: *Provided*, That any Proviso. party claiming damage may have the right to remove such proceedings by appeal to the circuit court for said county, upon giving notice of his or their intention so to do, to such justice in writing, within ten days after the verdict of such jury, and the judgment of such justice thereon aforesaid, and upon a filing of a transcript of the proceedings aforesaid in the circuit court, the same proceedings shall be had as prescribed by law in case of appeals: *Provided*, That if the final judgment for damages Proviso. of said circuit court shall not exceed the damages assessed before said justice, the party appealing shall pay all costs occasioned by such appeal. The said common council shall have full control of all streets, lanes, alleys, bridges, side-walks, and other public grounds within the said city, and the property belonging to said city, and it shall be their duty, and they are hereby empowered to make all such by-laws and ordinances not inconsistent with the constitution and the laws of this State or the United States, as shall by them be deemed necessary and proper for the best interest of said city.

Sec. 19. The assessment in the several wards of the city shall be Time and manner of assessments. made at the same time, and the assessment rolls completed, and all other proceedings had thereon, in the same time and in the same manner as is required by law of township assessors: *Provided*, That for the purpose Proviso. of assessing all property equally, in the whole city, the assessors shall act jointly in assessing each ward, and shall meet at the time required

by the statute, at the office of the recorder of said city, for the purpose of reviewing and completing their assessments and assessment rolls for each of the several wards; and two of said assessors shall be authorized to perform all the duties required of the whole number.

Copy of roll. Sec. 20. When such assessment rolls shall be completed, they shall be delivered to the recorder, who shall immediately proceed to make therefrom a full and complete condensed copy from such assessment rolls for the use of the common council, which shall be deemed the city assessment roll for that year; when such copy shall be completed, and within fifteen days after receiving the same, the said recorder shall deliver said rolls to the respective supervisors of each ward, to be used for State and county purposes.

Capitation tax. Sec. 21. The common council shall have power and authority to levy and collect a capitation or poll tax upon all male inhabitants between the ages of twenty-one and fifty years, of said city, and also taxes on all real and personal property within the limits of said city, by them deemed necessary to defray the expenses of said city, and shall have power and authority to make and establish all necessary by-laws

Taxes on real and personal property. and ordinances for the collection of the same; and every assessment of tax lawfully imposed or laid by the said common council, on any lands,

Collection of taxes. tenements and hereditaments, or premises whatever in said city, shall

Liens. be and remain a lien on such lands, tenements and hereditaments, from the time of imposing such tax until paid; and the owner or occupants, or parties interested respectively in said real estate, shall be liable, on demand, to pay every such tax to be made as aforesaid; and in default of such payment or any part thereof, or in default of payment of the assessment upon any lot or premises for grading, paving or planking the streets, or the construction or repair of side-walks adjoining such streets or

Sale of property for taxes. side-walks, (lot or premises) it shall be lawful for the marshal of said city to sell personal property, and for want thereof, to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such

Proviso. owner, occupant or lessee: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper published in said city, once a week for at least one month next preceding such sale; and the said marshal, or his successor in office, shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the pur-

chaser will be entitled to a deed for said land; and if the person claiming title to said land described in the said certificate, shall not, within two years thereof, pay to the treasurer of said city, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty-five per cent. per annum, from the date of such certificate, the said marshal or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the land so sold; which conveyance shall vest in the persons or persons to whom it shall be given, an absolute estate in fee simple, subject to the claims the State shall have thereon, and the said conveyance shall be *prima facie* evidence that such tax was lawfully enforced, (imposed) and that all the proceedings thereon, including such sale, were regular, according to the provisions of this act, and every such conveyance executed by the marshal, under his hand and seal, and witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner, and with the like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold according and in such manner as the common council may direct.

Conveyance
of land sold
for taxes.

Sec. 22. All moneys raised to defray the expenses of said city within the limits thereof, shall be collected and paid over by the marshal to the treasurer of said city, at such time and under such regulations as shall be provided for by the ordinances of the common council.

Marshal to
pay over
moneys to
treasurer.

Sec. 23. It shall be the duty of the common council, whenever they shall have completed their tax roll for one year, to make out a duplicate, charging each individual or premises therein, an amount of tax in proportion to the amount of personal and real estate in said city, to which they shall attach a warrant, signed by the mayor or recorder, directed to the marshal of said city, commanding said marshal to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll, opposite their respective names, and to pay over the same as they shall direct in such warrants; and the said warrants shall authorize the said marshal, in case any person named in the assessment or tax roll shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Tax roll.

Warrant.

Levy.

Sec. 24. The common council shall have power and authority to

cated: *Provided, however,* That a school inspector shall not vacate his office by his removal from one ward to another ward in said city.

tion of at-
torneys.

Sec. 6. No person shall be elected to the office of attorney, unless he be at the time of his election a counsellor of the supreme court of this State of two years standing.

Defaulters
ineligible.

Sec. 7. No person shall be elected or appointed to any office created by this act, who is now, or hereafter may be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan or any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which has come in his possession; if any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Ignorance a
disqualifica-
tion for
office.

Sec. 8. No person shall be elected or appointed to any office under this act, except the offices of scavenger and chimney sweeper, unless he is able to read and write the English language intelligibly; and if any such person be elected or appointed, the common council shall declare such appointment or election void.

Members of
common
council in-
eligible to
other office.

Sec. 9. No member of the common council shall, after his election and during the time for which he was elected, or within one year thereafter, be appointed to any office under this act, which shall have been created, or the emoluments of which shall have been increased during such time.

Person in-
terested dis-
qualified for
office.

Sec. 10. No person interested directly or indirectly, either as principal or surety, in any contract or agreement written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act shall officially be a party, for the construction of any sewer, pavement, building, or performance of any public work whatever, or for involving the expenditure, receipt or disposition of money or property of the corporation, common council, or by any officer or board under this act, shall be eligible or appointed to any office under this act; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and his office shall be deemed vacant.

Officer be-
coming in-
terested to
be removed.

Sec. 11. If any member of the common council or other officer of the corporation, after his election or appointment, or while in office,

shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act, shall officially be a party, or in any question, subject or proceeding pending before the common council, with intent to gain directly or indirectly any benefit, profit or pecuniary advantage, he shall be removed from his office, and his office declared vacant by the common council, and he shall be deemed guilty of wilful and corrupt malfeasance in office; and may be prosecuted therefor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both, at the discretion of the court. ^{Punishment.}

Sec. 12. If any person shall offer directly or indirectly to a member ^{Bribery.} of the common council, or if any member of the common council shall directly or indirectly accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods and chattels, or any deed, or writing containing a conveyance of land, or containing a transfer of any interest in real estate, any valuable contract in force, or any other property or reward whatsoever, in consideration that such member of the common council will vote affirmatively or negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, or other matter or proceeding pending before the common council, he shall be removed from office, and his office declared vacant by the common council, and both he and the person making such offer as aforesaid, shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, and on conviction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both, at the discretion of the court. ^{Punishment.}

Sec. 13. The water commissioners shall hold their respective offices ^{Terms of office.} for the term of five years, the comptroller for the term of three years, the recorder for the term of six years, the mayor, alderman, school inspectors, treasurer, city clerk, attorney, marshal, city surveyor and director of the poor, for the term of two years, and all other officers who are elected or appointed, shall hold for the term of one year: *Provided, however,* That all officers, whether elected or appointed, shall hold

Powers and
duties of
certain
officers to
be prescribed by
common
councils.

make all by-laws and ordinances relative to the powers, duties, and liabilities of the recorder, treasurer, marshal, and street commissioner, and allow them respectively, such compensation for their respective services as they shall deem just and reasonable; they shall also credit and allow to each assessor one dollar and fifty cents a day for the time actually spent in taking the assessment and copying rolls, and also one dollar and fifty cents per day for each inspector of elections. The mayor shall receive the sum of ten dollars per year, and no other compensation shall be allowed him, and no compensation shall be allowed to the aldermen.

Settlement
with
treasurer.

Sec. 25. The common council shall, on or before the first Monday in each year, settle and audit the accounts of the treasurer, and the accounts of all the officers and persons having claims against the city, or accounts with it, and cause all balances due to any person to be paid out of any money in the treasury not otherwise appropriated, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under such appropriations, the amount of taxes raised, and the amount of contingent expenses, the amount expended on highways streets and bridges, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city, and shall cause the same to be published in one or more newspapers published in the city before the next ensuing election.

Injuries by
fire.

Sec. 26. The common council shall have power and authority to make all by-laws and ordinances that may be necessary to secure the said city and the inhabitants thereof against injuries by fire; to establish and or-

Fire com-
panies.

ganize all such fire companies, and hose and hook and ladder companies, and provide them with the proper engines and other instruments, as shall be necessary to extinguish fires, and preserve the property of the inhabitants of said city from destruction; to appoint from among the

Firemen.

inhabitants of said city such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen, and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass their own by-laws for their organization and government of said companies, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or

Fires.

neglect of duty of any of its members, as may be established by such

by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said city a certificate to that effect, which shall be evidence thereof, and the members of such company, during their continuance as such, shall be exempt ^{Exemptions of firemen.} from serving on juries or paying a poll tax in said city; and it shall be the duty of every such company to keep in good and perfect repair the fire engine in their charge, hose, ladder, and other instruments of such company; and it shall be the duty of each fire company, to assemble at ^{Meetings of fire companies.} least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements with a view to their perfect repair; and the said firemen, so appointed, shall annually elect one of their number chief engineer, who shall have command of the whole fire department of said city, and also to elect from their number assistant engineers at the same time; the common council shall appoint a fire warden in each ward of ^{Fire wardens.} the city, whose powers, duties and compensation shall be prescribed by the common council; and also to appoint a city watch of one or more ^{City watch.} persons not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the said city, and to prescribe their duties and compensation when in actual service, and to remove them at pleasure.

Sec. 27. Upon the breaking out of any fire in said city, the marshal ^{Fires.} shall repair immediately to the place of such fire, and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, for which purpose, and as chief of police, he may require the assistance of all bystanders; and in the performance of his said duties, the marshal shall in all respects be subject to the orders of the mayor, or such of the aldermen as may be present.

Sec. 28. The common council shall have power to appoint an attorney ^{City attorney.} for the city, and one or more commissioners, and such other officers ^{Commissioners.} whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure; they shall also have power to remove the ^{Power of removal.} marshal, treasurer or street commissioner, for any violation of the ordinances of the common council; and in case of the death, resignation, or removal from office, or neglect to qualify, or removal from the city, or

Vacancies from the ward for which he has been elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed shall be notified and qualified as herein directed.

Marshal to give security. Sec. 29. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful discharge of his duties, as the common council shall direct and require.

Marshal to be chief of police. He shall be chief of the police, and it shall be his duty to serve all processes that may be lawfully delivered to him for service, to see that all by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those that may be passed to carry into effect the powers of sections twelve, thirteen, fourteen and fifteen. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all persons in discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers, and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of this State, as sheriffs or constables have by law to execute similar process.

Deputy marshals.

Duties of street commissioners. Sec. 30. The street commissioners and such other officers as the common council shall direct and appoint, shall, under the direction of the common council, superintend the making, paving, planking, repairing and opening of all streets, lanes, alleys, bridges and side-walks, within the limits of their respective wards, in such manner as he or they may from time to time be directed.

Powers of common council relative to powers, duties and compensation of corporation officers. Calling meetings. Licenses. Collection of fines. Sec. 31. The common council shall have authority to make all by-laws and ordinances relative to the powers, duties and compensation of the officers of said corporation, subject to the restriction as to the compensation of officers mentioned in this act; relative to the calling of meetings of the electors of the city; to direct the number of, and license innkeepers and common victualers; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city, and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to pro-

vide for the safety and good government of the city, and to preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine Proviso. exceeding one hundred dollars, nor subject the offender to imprisonment in the city or county jail exceeding thirty days.

Sec. 32. All fines imposed by any by-law or ordinance of the com- How fines collected. mon council may be sued for in the name of the city attorney, or in the name of the corporation, before any justice of the peace, for a violation of any ordinance of the common council; it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the city jail or common jail of the county, and the marshal or sheriff shall safely keep the body of the person so committed until discharged by due course of law, and the defendant shall remain imprisoned until the execution, with the fees of the sheriff or marshal shall be paid: *Provided*, That the common Proviso. council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Sec. 33. In all suits in which the corporation of the city of Port Hu- Competen-
cy of wit-
nesses. ron shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror on account of his interest in the event of such suit or action: *Provided*, Such interest be Proviso. such only as he has in common with the inhabitants of said city.

Sec. 34. In all trials before any justice of the peace of any person Jury. charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury, and in the trial of the Proceedings
and trials. cause, shall be in conformity, as near as may be, with the mode of pro- ceeding in similar cases before justices of the peace; and in all cases civil and criminal, the right of appeal from the justices' court to the circuit Appeals. court for the county of St. Clair shall be allowed, and the party appealing shall enter into a recognizance conditioned to prosecute the appeal in the circuit court, and abide the order of the court therein or such

person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

City clerk to report delinquents to common council.

Sec. 33. The clerk of the city shall report the name of any person elected or appointed to any office, who shall have neglected to file his official bond and oath of office, as required by this act, to the common council at its next meeting after such default.

CHAPTER III.

ELECTIONS—HOW CONDUCTED.

Annual city election.

Time.

Place.

Notice; how given.

Special elections.

Election districts.

Inspectors of elections.

Oath of inspectors.

Clerks of election.

Ballot box.

Sec. 1. The annual city election shall be held on the first Tuesday, after the first Monday of November in each year, at such places in the several wards, as shall be designated by an order of the common council, at least twenty days previous thereto, notice of which, specifying, also the officers to be elected and the time for opening and closing the polls, shall immediately, or within three days after the date of such order, be given by the city clerk, by publication in two or more daily newspapers, published in said city. The time and place for holding a special election shall be designated, and the notice thereof given in the same manner, and to the same effect.

Sec. 2. Each ward shall be an election district, every elector shall vote in the ward in which he resides, and the residence of an elector under this act shall be the ward in which he takes his regular meals.

Sec. 3. At every election, the inspectors of election for the ward in which such election may be held shall consist of the two aldermen of the ward, and a third person to be chosen, *viva voce*, by the electors present, from their number, at the time of opening the polls; and if, from any cause, either or both of said aldermen shall fail to attend any such election, his or their places may be supplied for the purpose of such election, by the electors present, who shall elect any of their number *viva voce*. Said inspectors, before entering upon their duties, shall each take the same oath of office prescribed for other officers under this act.

Sec. 4. The inspectors in each ward, before the opening of the polls, shall appoint two competent clerks of the election, who shall take the same oath as the inspectors, which oath either of the inspectors may administer.

Sec. 5. One suitable ballot box, with lock and key, shall be provided and kept by the city clerk, at the expense of the city, for each ward;

and it shall be the duty of the city clerk to deposit such box, with the key, in the hands of the inspectors for each ward, prior to the opening of the polls.

Sec. 6. The polls of election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day, and no longer. ^{Opening and closing the polls.}

Sec. 7. The qualifications of electors under this act, shall be those described in the first section of the seventh article of the constitution of this State, was (which is) as follows: "In all elections, every white male citizen, every white male inhabitant residing in the State on the twenty-fourth day of June, one thousand eight hundred and thirty-five; every white male inhabitant residing in this State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election." ^{Qualifications of electors.}

Sec. 8. If at any election a vote shall be challenged, either of the inspectors of election shall be authorized to swear or affirm the person whose vote is challenged, to answer such questions as may be put to him touching his qualifications as an elector; and said inspectors shall decide from such examination, as to the legality of such vote. ^{Challenge and oath.}

Sec. 9. If any person thus sworn or affirmed shall wilfully swear or affirm falsely as to any material matter concerning his qualifications as an elector of said city, he shall be deemed guilty of perjury, and may be prosecuted therefor, and on conviction thereof, be punished by a fine not exceeding one thousand dollars, or imprisonment at hard labor in the State prison for a period not exceeding five years, or both, at the discretion of the court. ^{Perjury. Punishment}

Sec. 10. If any person shall vote in more than one ward, or more than once in the same ward, at any election in said city, he may be pro- ^{Punishment for voting more than once.}

secuted therefor, and on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Conducting elections.

Sec. 11. The manner of conducting and voting at elections to be held under this act, the keeping of the poll lists, canvassing of the votes, certifying the returns, and all other proceedings connected with such elections shall be the same, as nearly as may be, as is now or hereafter may be provided for by the laws of this State, applicable to general State elections, except as may be otherwise provided in this act.

Certifying return of elections.

Sec. 12. On canvassing the votes, the inspectors shall certify a full and true return thereof, under their hands, to the clerk of the city, carefully sealed up, together with the poll lists and ballots, within forty-eight hours after the closing of the polls; and the inspectors of election or a majority of them, shall, on the Saturday next after election, at three o'clock in the afternoon, meet at the city clerk's office, or common council room, and proceed to open and canvass the said returns, and declare the result of the election.

Canvass.

Conducting special elections.

Sec. 13. Special elections shall be conducted, as near as may be, in the same manner as general elections, but in such cases the return of the inspectors shall be opened and canvassed, and the result declared by the common council, at its first meeting after the making of said returns.

Ballots for vacancy to designate vacancy.

Sec. 14. If any person be voted for at any election to fill a vacancy or residue of a term, the ballots of the electors shall designate such vacancy or residue.

Plurality to elect.

Sec. 15. In the canvass of the votes, any person who has received a plurality of the votes for any office, shall be declared duly elected to such office.

Proceedings in case of tie.

Sec. 16. When two or more persons shall have an equal number of votes for the same office, the election shall be determined by the drawing of lots in the presence of the common council. The names of each of such persons shall be written on separate slips of paper, and deposited in a box or other proper place, and the president of the common council shall draw out of said box or other place, in the usual manner of determining by lot, one of said slips, and the person whose name is there-

on, shall be deemed entitled to hold the office for which he received said votes, in the same manner as other officers duly elected.

Sec. 17. The mode of conducting all State, district and county elections in said city, shall be in the manner herein provided for the election of city officers, except that the returns thereof shall be made to the county clerk, and the same proceedings had, as near as may be, as are now or may hereafter be provided by law for the return of votes by township inspectors of elections.

Mode of conducting State, district and county elections.

Sec. 18. No person entitled to vote at any election held under this act, shall be arrested on civil process within said city, on the day on which such election is held.

Privilege from arrest on day of election.

Sec. 19. The first election under this act shall be on the first Tuesday after the first Monday in November, 1857; and all officers now holding office by election in said city which are made elective by the people under this act, shall continue to hold their respective offices until the second Tuesday of January, 1858. The aldermen of said city who were elected in the year 1855, shall continue in office until the second Tuesday in January, 1858, and shall be succeeded in office by the aldermen who are elected in November, 1857; and the aldermen who were elected in the year 1856, shall continue in office until the second Tuesday in January, 1859, and shall be succeeded in office by the aldermen who are elected in November, 1858. In all cases where any new office is created, or where any vacancy may occur under the provisions of this act, the common council may appoint persons to fill the same until the second Tuesday of January, 1858, when their successors shall be appointed, except the assessor who shall be appointed for his full term as herein provided. The present recorder of said city shall continue to hold his office until the second Tuesday of January, 1858, and shall possess and exercise the powers and duties now possessed and exercised by him under the present charter of said city, and shall also be president of the common council, and shall possess and exercise the powers and duties of that office as herein provided, until the expiration of his term of office, and shall receive such salary as the common council shall prescribe. The present comptroller of said city shall continue to hold his office until the first day of April, 1859. The office of ward assessor is hereby abolished.

Time of first election.

Officers holding office to continue.

their offices respectively, until their successors shall be duly elected or appointed and qualified, and shall enter upon the discharge of their duties.

Commence-
ment of offi-
cial terms.

Sec. 14. The official terms of all officers who are elected, shall commence on the second Tuesday of January, after the annual city election, at which they may have been elected, on which day there shall be a meeting of the common council; and the official terms of all officers who are appointed, shall commence and expire on the third Tuesday of January, on which day there shall also be a meeting of the common council, except the water commissioners, whose official terms shall commence and expire as provided for in the act incorporating "the board of water commissioners of the city of Detroit," approved February 14th, 1853, and the comptroller whose official term shall commence and expire on the first Tuesday in April.

Oath of
office.

Sec. 15. Every officer appointed or elected under this act, before entering on the duties of his office, shall take and subscribe the following oath of office: "I do solemnly swear (or affirm) that I will support the constitution of the United States and of this State, and that I will faithfully discharge the duties of such office to the best of my ability," and shall file said oath, duly certified by the officer before whom it was taken, in the office of the clerk of the city.

Oaths; be-
fore whom
taken.

Sec. 16. Officers who are elected at the annual city election, shall take and subscribe the oath of office before the city clerk, file their official bonds and enter upon their official duties on the second Tuesday of January next ensuing their election, or within ten days thereafter; and officers who are appointed for full terms, shall take and subscribe the oath of office, file their official bonds and enter upon their official duties on the third Tuesday of January, or within ten days thereafter; but officers who are either elected at a special election, or appointed to fill the unexpired portion of a term, shall take and subscribe the oath of office, file their official bonds and enter upon their duties within ten days next ensuing notice of their election or appointment, except justices of the peace.

Discontin-
ing office.

Sec. 17. Any office hereby authorized, but not specially named, may at any time be discontinued by the common council, and if there be an incumbent in such office, such discontinuance shall, on notice thereof,

discharge him from the office and a further execution of its duties, and his office be deemed vacant.

Sec. 18. The recorder shall be subject to impeachment and removal from office for corrupt conduct in office, or for crimes and misdemeanors, in the same manner as judicial officers, pursuant to the provisions of the constitution of this State. ^{Recorder subject to impeachment.}

Sec. 19. The common council may expel or remove from office any of its own members, or any other officer holding office by election, except the mayor and recorder, for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case the reasons for expulsion or removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election, shall be expelled or removed by said council, unless first furnished with a copy of the charges in writing, and allowed to be heard in his defence with aid of counsel; and for the purposes hereof, the common council shall have power to issue subpoenas, to compel the attendance of witnesses and the production of papers, when necessary, and shall proceed within ten days after service of a copy of the charges, to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer to such charges, his default may be deemed good cause for removal from office. The mayor shall have power to suspend or remove from office the marshal, street commissioners, deputy marshals, constables, overseers of highways, and officer of the police; and in case of such suspension or removal, he shall report the same, with the reasons therefor, to the common council. ^{Expulsion from office.}

Sec. 20. Any officer holding office by appointment may be removed at any time by the common council without charges and a trial thereof, by a vote of a majority of the aldermen elect, except the comptroller, who may be removed for the same causes and on the same proceedings as a member of the common council. ^{Suspension.}

Sec. 21. Any officer holding office by election, except the recorder, against whom charges shall be preferred, may be suspended from office by a majority vote of all the aldermen elected, until such charges shall be heard and determined; and any officer holding office by appoint- ^{Temporary suspension.}

other recognizance as is or may be required by law in appeals from justices' courts in similar cases.

Common council to perform same duties as township boards in certain cases.

Official oaths.

Who to constitute common council.

Sec. 35. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, assessors, justice of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay and in the same manner, and be subject to the same liabilities as is provided for the corresponding township offices, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

Sec. 36. The president, recorder and trustees of the village of Port Huron shall be the common council, and shall respectively discharge all the duties of a mayor, recorder and aldermen; and the treasurer, marshal, street commissioner, and other officers of said village, shall be such officers of the city of Port Huron, until others are elected and qualified in their stead; and all the by-laws, ordinances and other regulations now in force, not inconsistent with this act or the provisions of the statutes of this State, shall be and remain in force until altered or repealed by the common council of the city or village; and no suit, or other proceedings in which the common council or any officer of said village shall be a party, or any duties to be performed by such officer shall be affected in any manner whatever by this act except, as herein specified; and all property belonging and all demands due to the village of Port Huron shall be the property of the city of Port Huron, and the said city shall be liable for all legal demands against said village of Port Huron.

Town officers residing in city to continue to discharge duties.

When next town meeting to be held.

Duty of school inspectors of township.

Sec. 37. All town officers of the township of Port Huron residing within said city, may continue to discharge all the duties of such officers for the said town, until after the first Monday in April next. The next township meeting for the township of Port Huron shall be held at the town hall, in the village of Port Huron. It shall be the duty of the school inspectors of the township of Port Huron to pay over the school moneys by them received for the present year, in the same manner as if this act had not been passed.

Sec. 38. The treasurers of the several wards shall, on or before the first day of February, pay the amount of moneys raised for school and library taxes to the city treasurer, to be by him paid on the order of the school inspectors or school district officers, as the case may be, and the warrant for the collection of taxes given to the said ward treasurers shall command them accordingly.

Ward treasurer to pay over moneys to city treasurer.

Sec. 39. The city of Port Huron, for all purposes in regard to common schools and school moneys, shall be deemed a township; and the recorder shall discharge all the duties, and be subject to all the liabilities of a township clerk. The city treasurer and school inspectors shall discharge the duties of such corresponding township officers, except the collection of taxes.

City to be regarded a township for school purposes.

Sec. 40. All acts incorporating the village of Port Huron, and all acts amendatory thereto, are hereby repealed.

Acts repealed.

Approved February 4, 1857.

[No. 47.]

AN ACT for the relief of Christopher Vorheis.

SECTION 1. *The People of the State of Michigan enact:* That the Commissioner of the State Land Office be and he is hereby authorized to cancel the certificate of purchase of the south-east quarter of the south-east quarter of section number sixteen, in township number eight south, of range number twelve west, issued to Samuel Hamilton, and numbered eight hundred and fifty-four, and that the said commissioner be and he is hereby authorized to issue a new certificate for the land herein described, to Christopher Vorheis, upon the payment of all interest due at the time of such cancelment, on said certificate of purchase.

This act to take immediate effect.

Approved February 4, 1857.

[No. 48.]

AN ACT to change the name of the township of Rogers, in the county of Tuscola.

SECTION 1. *The People of the State of Michigan enact,* That the name of the township of Rogers, in the county of Tuscola, be and the same is hereby changed to Juniata.

Approved February 4, 1857.

[No. 49.]

AN ACT to amend act number one hundred, approved April fourth, eighteen hundred and fifty-one, entitled an act to amend an act entitled an act to incorporate the village of Battle Creek, approved April second, eighteen hundred and fifty; and also to amend act number fifty-six, approved February twelfth, eighteen hundred and fifty-three, entitled an act to amend an act entitled an act to incorporate the village of Battle Creek, approved April second, eighteen hundred and fifty; and also to amend an act entitled an act to amend an act entitled an act to incorporate the village of Battle Creek, approved April fourth, eighteen hundred and fifty-one.

Sec. 1,
amended.

Amend section one, of act number one hundred aforesaid, by striking out all of said section after the words "to wit," in the third line thereof, to and including the word "beginning" in the twenty-second line of said section, and inserting in lieu thereof, the following: "All of sections one and twelve, in the township of Battle Creek, and all of sections six and seven, in the township of Emmet," so that said section as amended, will read as follows:

Sec. 1, as
amended.

"Sec. 1. *The People of the State of Michigan enact*, That all that tract of country situated in the township of Battle Creek and Emmet, in the county of Calhoun, and described as follows, to wit: All of sections one and twelve in the township of Battle Creek, and all of sections six and seven, in the township of Emmet, be and the same is hereby constituted a village corporate under the name of the village of Battle Creek."

Sec. 12,
amended.

And also amend section twelve, of act number fifty-six aforesaid, by striking out the word "one," in the second line of said section, and insert in lieu thereof the word "three," so that said section as amended, will read as follows:

Sec. 12, as
amended.

"Sec. 12. *The People of the State of Michigan enact*, That the electors of said village, at any annual meeting, shall have power to raise money by tax, any sum not exceeding three thousand dollars in any one year, which sum shall be determined by a *viva voce* vote; and said tax shall be assessed on the property within the corporation in the same manner as township taxes are assessed, as near as may be; but no lands included in said corporation, which are used for farming purposes, and not laid out in village lots, shall be included in such assessment. The assessor shall assess the property within said corporation in the same

manner as township assessments are taken, and make return thereof to the council on or before the third Monday of April in each year.

Approved February 4, 1857.

[No. 50.]

AN ACT to change the name of the village of Danville, in the county of Kent.

SECTION 1. *The People of the State of Michigan enact*, That the name of the village of Danville, in the county of Kent, be and the same is hereby changed to that of Lowell, and by that name it shall hereafter be known and designated.

Approved February 4, 1857.

[No. 51.]

AN ACT to extend the time for the collection and return of taxes in the township of Thetford, in the county of Genesee.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection and return of taxes in the town of Thetford in the county of Genesee, for the year one thousand eight hundred and fifty-six, be and the same is hereby extended to the second Monday of March next. Time of extension.

Sec. 2. The treasurer of said town of Thetford is hereby authorized to proceed and collect said taxes as fully as he might have done during the life-time of his warrant for that purpose, and to make his returns on or before the said second Monday of March next, and said warrant is hereby continued in full force for that purpose. Duties of treasurer.

Sec. 3. It shall be the duty of the treasurer aforesaid, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant as is provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Genesee. Treasurer to pay over moneys and renew bond.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the Return of transcript of unpaid taxes.

same time, as other taxes for the year one thousand eight hundred and fifty-six, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 4, 1857.

[No. 52.]

AN ACT for the relief of certain purchasers of primary school lands.

Commis-
sioner of
State Land
office to
issue new
certificate.

Balance of
principal to
be paid.

New certifi-
cate to
Hiram
Reynolds.

Original
certificate to
be surren-
dered.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office, be and he is hereby authorized to issue to Charles Chandler, as administrator of the estate of James McDonold, deceased, a new certificate in place of certificate numbered six hundred and ninety-four, heretofore issued for the sale of the east half of the south-east quarter of section number sixteen, in town five south, of range one east, State of Michigan, issued to W. W. Loucks; that said certificate require the payment of the balance of the principal and interest unpaid upon said original certificate, as the same appear upon the books of said Commissioner in his office, in the same manner as said principal and interest were required by said original certificate, and when paid said land shall be conveyed in like manner.

Sec. 2. Said Commissioner is also authorized to issue a new certificate to Hiram Reynolds, in place of certificate number six hundred and sixty, issued to Reuben Ferris, for the sale of the west half of north west quarter of section sixteen, in town five south, of range two east, Michigan, requiring the payment of the unpaid balance of principal and interest, in like manner as required by said original certificate: *Provided, however*, That said original certificate shall be surrendered to the commissioner to be cancelled. When said principal and interest shall be paid, said land shall be conveyed to him, his heirs or assigns.

This act to take immediate effect.

Approved February 4, 1857.

[No. 53.]

AN ACT to provide for laying out the Lapeer branch of the State road running from Lower Saginaw to Goodrich and Lapeer.

Special com-
missioners
appointed.

SECTION 1. *The People of the State of Michigan enact*, That Townsend North, of the county of Tuscola, and George C. Bidwell and John

B. Evans of the county of Lapeer, be and they are hereby appointed special commissioners to lay out and establish a State road from the vil-
lage of Lapeer, in the county of Lapeer, on the most direct and eligible
route to intersect the State road running from Lower Saginaw, in the
county of Saginaw, to Goodrich, in the county of Genesee, at or near
the centre of township ten (10) north of range eight (8) east, in the
county of Tuscola.

Their pow-
ers and
duties.

Sec. 2. It shall be the duty of the said commissioners, or of any two
of them, within six months from the time this act shall take effect, to
proceed to lay out and establish said road, and cause a survey thereof
to be filed with the township clerk of each of the respective townships
on the line of said road, so far as the same shall run through their sev-
eral townships, whose duty it shall be to record the same, and such re-
cord shall be *prima facie* evidence of the legal existence of such road.

Commis-
sioners to
proceed to
lay out and
establish
road.

Sec. 3. The right of way for such road through any lands of this
State, is hereby granted and confirmed to the townships severally in
which such lands shall lie.

Right of
way through
lands of
State grant-
ed.

Sec. 4. The said commissioners shall be paid each the sum of one
dollar and fifty cents per diem for services actually rendered, by the
township in which such service shall be rendered, and all other expen-
ses, costs and damages shall be paid by the townships severally in which
such expense, cost or damage shall occur.

Compensa-
tion of com-
missioners,
expenses,
costs and
damages to
be paid by
townships.

Sec. 5. The commissioners appointed by this act may make applica-
tion to any judge of the circuit court, either in vacation or term time,
for the appointment of three commissioners whose duty it shall be, when
private property is taken for said road, to ascertain the necessity for tak-
ing such property, and to appraise the damages thereon, if any is claim-
ed; and the necessity for taking such property and the just compensa-
tion therefor shall be certified to in writing by said commissioners, and
the certificate filed in the office of the register of deeds for the county
in which such land is situated. Also, the commissioners appointed by
the Governor under the provisions of act number 141 entitled "an act to
establish a State road in the counties of Saginaw, Tuscola, Lapeer and
Genesee," may in like manner apply for the appointment of three com-
missioners, whose powers and duty shall be the same as those who may
be appointed by the judge of the circuit court as hereinbefore provided.

Application
to judge to
appoint com-
missioners.

Their duty
in ascertain-
ing necessity
for taking
property in
appraising
damages.

Certificate.
Filing
certificate.

Commis-
sioners un-
der Act 141.

Their
power.

Sec. 6. All moneys which may have accrued, or which shall accrue

Enoch J. White, to lay out and expend money received by him.

in the hands of the special commissioner by virtue of an act entitled "an act appropriating certain highway taxes for the improvement of a road in the counties of Saginaw, Tuscola, Genesee and Lapeer, approved February 10th, 1855," shall be by said special commissioner (Enoch J. White,) laid out and expended in accordance with the provisions of said act.

Approved February 4, 1857.

[No. 54.]

AN ACT to extend the time for the collection of taxes in the township of Port Huron, St. Clair county.

Time of extension.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes for the year 1856 in the township of Port Huron, St. Clair county, be and the same is hereby extended until the first Monday of March next.

Powers of treasurer.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he might do during the life-time of his warrant, and make his return at any time before the first Monday of March next

Treasurer to pay over moneys and renew bond.

Sec. 3. It shall be the duty of the Treasurer, before he shall be entitled to the benefit of this act, to pay over all moneys collected as provided by law, and to renew his official bond to the satisfaction of the supervisor of said township.

Transcript of unpaid taxes to be returned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year 1856, returned to the Auditor General.

This act shall take effect immediately.

Approved February 4, 1857.

[No. 55.]

AN ACT to revise the Charter of the city of Detroit.

CHAPTER I.

INCORPORATIONS—CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact, That* ^{Corporation.} the corporation heretofore created and now known as "The Mayor, Recorder, Aldermen and Freemen of the City of Detroit," shall be and continue to be a corporation by the name of "The City of Detroit," and by that name may sue and be sued, implead and be impleaded, complain and defend, in any court of record and any other place whatsoever; may have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal or mixed estate for the use of said corporation.

Sec. 2. The district of country in the county of Wayne and State of Michigan, hereinafter particularly described, is hereby constituted and declared to be a city, by the name of Detroit, and subject to the municipal government of said corporation, said district of country being bounded ^{Boundaries.} as follows, viz: Beginning at a point on the national boundary line, in the Detroit river, directly opposite and in a line with the dividing line between the Baker and Woodbridge farms, so called, and running thence north twenty-two degrees and forty-seven minutes west, along said dividing line to the rear or northerly line of the Baker farm aforesaid; thence north-easterly along the rear or northerly line of the Baker, LaBrosse and Forsyth farms, so called, to the north-westerly corner of the Jones farm, so called; thence north sixty degrees east, on a course parallel with Jefferson avenue, to a point opposite the dividing line between the Dequindre and Witherell farms, so called; thence south twenty-six degrees east, along said line of said farms, to the margin of the Detroit river aforesaid; thence south twenty-six degrees east, to the national boundary line in said river, and thence south-westerly, along said national boundary line to the place of beginning. The wards of said city shall be and remain as heretofore laid out and constituted, until altered by the common council of said city, as authorized by this act.

CHAPTER II.

OFFICERS—WHO ELECTED, WHO APPOINTED, QUALIFICATIONS, BONDS,
OFFICIAL TERMS, REMOVAL, VACANCY.

Officers
elected on
general
ticket.

Sec. 1. The following officers of the corporation shall be elected at the annual city election, on a general ticket, by the qualified electors of the whole city, viz: mayor, recorder, city clerk, attorney, treasurer, marshal, city surveyor, and director of the poor. The following officers of the corporation shall be elected at said election on a "ward ticket," in each ward by the qualified electors thereof, viz: two aldermen, two school inspectors, a collector, overseer of highways and constable.

On ward
ticket.

Officers ap-
pointed by
common
council.

Sec. 2. The following officers shall be appointed by the common council, at a meeting to be held on the second Tuesday of January in each year, viz: superintendent of alms house, a sealer of weights and measures, a clerk of the recorder's court, who shall be appointed at the recommendation of the recorder, one or more collectors, one or more physicians, one or more street commissioners, one or more assistant marshals, one or more clerks of markets, and such other officers, deputies, assistant officers and agents, whose appointment shall be authorized by prior resolution of the common council. The controller shall be appointed on the second Tuesday of March, preceding the expiration of his term of office.

Comptroller

Board of
water com-
missioners.

Board of
Education.

Board of
inspectors of
election.

Board of
sewer com-
missioners.

Engineer.

Their duties
in reference
to sewers
and drains.

Sec. 3. There shall also be the following boards of officers of the corporation, viz: a board of water commissioners, to be appointed and constituted as provided for in the act incorporating "the board of water commissioners of the city of Detroit," approved February fourteenth, (14) eighteen hundred and fifty-three (1853); a board of education, to be constituted as provided for in the act incorporating "the board of education of the city of Detroit," approved February seventeenth, (17) eighteen hundred and forty-two (1842), and all acts amendatory thereto; and a board of inspectors of elections to be appointed and constituted as hereinafter provided; and a board of three sewer commissioners, who shall be appointed by the common council on the nomination of the mayor; and who shall appoint a competent engineer, and with his aid it shall be their duty to propose a plan for constructing sewers and drains for the whole city, having reference, however, to the sewers and drains already constructed or in process of construction; and said board shall have such further powers and duties in respect to the

sewers and drains of said city, as said common council shall by ordinance prescribe. Said commissioners shall receive no compensation for their services, shall hold their office for the term of five years, with the exception of the first board, who shall hold their office for the respective terms of three, four and five years, and the respective terms of each shall be determined by lot, under the direction of the city attorney and comptroller, and when thus determined such determination shall be certified by said attorney and comptroller to the common council and entered upon their journal, and such certificate shall be evidence of their respective term for which the several members of said board have been elected. It shall be the duty of said engineer under the direction of said board, to superintend the construction and repair of sewers.

Commissioners to receive no compensation.

Term of office.

Duties of engineer.

Sec. 4. There shall be six justices of the peace in and for said city, who shall be elected on the general ticket at the annual city election in the same manner, shall hold offices for the same terms and by the same tenure, possess the same jurisdiction and powers, subject to the act of the Legislature establishing a police court of the city of Detroit, and be subject to the same duties and liabilities, as provided by the general laws of this State in relation to the election, jurisdiction, powers, duties and liabilities of justices of the peace for townships; but the justices of the peace of said city, now in office, shall continue to hold their offices for the terms for which they have been elected, and in conformity to the general laws of this State: *Provided, however,* That at the election to be held in April, (1857) eighteen hundred and fifty-seven, a justice of the peace of said city, may be elected to fill the vacancy which will occur by the expiration of the term of such justice in July, (1857) eighteen hundred and fifty-seven.

Justices of the Peace; their term of office, jurisdiction, powers and duties.

Justices now in office to continue.

Proviso.

Sec. 5. No person shall be elected or appointed to, or shall hold any office under this act, who shall not be at the time of his election or appointment, and so long as he shall hold such office, a resident elector of said city; and no person shall be elected or appointed to, or shall hold office for any ward in said city, who at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident elector of the ward from and for which he may be elected or appointed. If any person, elected or appointed to any office of the corporation, shall cease to be a resident of the city or of the ward for which he may have been elected or appointed, such office shall thereby be va-

Officers to be residents of Detroit. Qualifica-

Surveyors
powers and
duties.

Sec. 13. The surveyor shall have power, and it shall be his duty, to survey within the corporation limits. He shall have the same power to make surveys and plats within the corporation limits as are now or may hereafter be given by law to county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are or may hereafter be given by law to the official acts, surveys and plats of county surveyors. He shall make out the assessment rolls for paving, for side and cross-walks, for lateral sewers, and for all other special assessments, and shall survey for the city.

Duties of
collector.

Sec. 14. It shall be the duty of the collector of the corporation to collect all assessments for constructing or paving side-walks and cross-walks, for paving streets and alleys, and such special assessments as may be imposed and levied by the common council.

Duties of
assessors.

Sec. 15. The assessor shall assess all the property liable to assessment, for the purpose of levying the taxes lawfully imposed thereon, as hereinafter more particularly provided. The assessor shall also prepare and return a list of persons to serve as jurors, as hereinafter provided in this act.

Duties of
street com-
missioners.

Sec. 16. The street commissioner shall superintend the construction, pavement, repair and cleaning of side-walks, cross-walks, streets, lanes, alleys, public places, culverts and bridges within said city.

Duties of
overseers of
highways of
wards.

Sec. 17. The overseer of highways for each ward, shall, under the superintendence and control of the street commissioner, work and improve the highways, streets, lanes, alleys and public places of said city in the ward for which he is elected, and render a true account of the expenses thereof under oath to the comptroller.

Duties of
ward col-
lectors.

Sec. 18. The collector for each ward shall collect all city, highway, sewer and school taxes, and all State and county taxes, assessed and imposed upon the real and personal property for such ward, and account for and pay over the same, as required by law, or by ordinance or resolution of the common council, which have not been paid into the

Directors of
the poor
and con-
stables.

city treasury. The director of the poor and constables shall have the powers and perform the duties of township officers elected under the general laws of the State, subject to the provisions of this act.

Books,
papers and
moneys to
be delivered
to succes-

Sec. 19. Whenever any officer shall resign or be removed from office or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the

shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act, shall officially be a party, or in any question, subject or proceeding pending before the common council, with intent to gain directly or indirectly any benefit, profit or pecuniary advantage, he shall be removed from his office, and his office declared vacant by the common council, and he shall be deemed guilty of wilful and corrupt malfeasance in office; and may be prosecuted therefor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both, at the discretion of the court. <sup>Punish-
ment.</sup>

Sec. 12. If any person shall offer directly or indirectly to a member ^{Bribery.} of the common council, or if any member of the common council shall directly or indirectly accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods and chattels, or any deed, or writing containing a conveyance of land, or containing a transfer of any interest in real estate, any valuable contract in force, or any other property or reward whatsoever, in consideration that such member of the common council will vote affirmatively or negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, or other matter or proceeding pending before the common council, he shall be removed from office, and his office declared vacant by the common council, and both he and the person making such offer as aforesaid, shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, and on conviction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both, at the discretion of the court. <sup>Punish-
ment.</sup>

Sec. 13. The water commissioners shall hold their respective offices <sup>Terms of
office.</sup> for the term of five years, the comptroller for the term of three years, the recorder for the term of six years, the mayor, alderman, school inspectors, treasurer, city clerk, attorney, marshal, city surveyor and director of the poor, for the term of two years, and all other officers who are elected or appointed, shall hold for the term of one year: *Provided, however,* That all officers, whether elected or appointed, shall hold

meeting, stating therein the time and objects thereof, and he shall refuse or neglect for twenty-four hours to call such meeting, a copy of such request to the president may be filed with the clerk of the city, with the certificate of any alderman endorsed thereon, showing the presentation thereof to the president and his refusal or neglect as aforesaid, and thereupon such special meeting shall be held, and the clerk of the city shall cause notice thereof, and of its time and place to be served on each of the members of the common council, personally, or by leaving the same at their usual place of abode, and the proceedings of said meeting shall be limited to the objects thereof as set forth in such request to the president. Special meetings may be adjourned from time to time, as may be deemed necessary, in order to dispose of the business which they are called to consider.

Notice of
special
meeting.

May be ad-
journed.

Ordinances
and resolu-
tions to be
presented to
mayor for
approval.

Sec. 5. Every ordinance, resolution or proceeding of the common council, imposing taxes or assessments, or originating the expenditure or disposal of money or property, or whereby the corporation or any board of officers under this act may incur any debt or liability, and every ordinance and resolution, except resolutions making appointments to or removal from office, and except ordinances or resolutions for the fixing of salaries, and for the payment of debts and liabilities previously and lawfully contracted, shall, before it takes effect, be presented by the clerk to the mayor; if the mayor approve thereof, he shall thereon write his approval with the date thereof, and sign the same, and thereupon such ordinance, resolution or proceeding shall go into effect; and such as he shall not so approve and sign, he shall return to the common council with his objections thereto in writing, under cover, sealed and addressed to the said common council.

If mayor
approves, he
shall write
and sign his
approval.

If mayor
shall not ap-
prove he
shall return
with his ob-
jections.

If mayor
neglect to
approve or
return.

Sec. 6. If the mayor shall neglect to approve, as aforesaid, any ordinance, resolution or proceeding, or return the same as aforesaid, to said common council, with his objections, at the next regular meeting after the same shall have been presented to him by the clerk as before provided, the same shall go into effect.

Reconsider-
ation.

Sec. 7. Upon the return as aforesaid of any ordinance, resolution or proceeding, the common council shall proceed to reconsider the vote by which the same was passed and adopted; and if, after such reconsideration, two-thirds of all the members elected shall agree by ayes and noes

which shall be entered of record, to pass or adopt the same, it shall go into effect.

Sec. 8. The clerk of the city shall, at the time of presenting any ordinance, resolution or proceeding of the common council to the mayor, for his approval or disapproval, make a certificate, to be endorsed thereon or attached thereto, in which he shall specify the day on which the same was so presented; and such certificate shall be recorded with the proceedings of the common council.

City clerk to make certificate of date of presentation.

Recording certificate.

Sec. 9. All ordinances, resolutions and written proceedings of the common council shall be deposited in the office of the clerk of the city, who shall safely keep the same; and they shall be recorded in proper books, to be provided therefor. He shall keep a journal record of the proceedings of the common council, and also a record of every ordinance enacted, and of the time of its first publication, which record shall be signed by the clerk and by the president of the common council.

Ordinances, &c., to be deposited with clerk and recorded.

Clerk to keep journal and record.

Sec. 10. All proceedings of the common council shall be published in some daily newspaper published in said city; all ordinances shall be published for six successive days in the official daily newspaper of said city, and in one other daily newspaper published in said city, and shall take effect in ten days after their enactment: *Provided, however, That* the common council may fix and prescribe therein a different period, and that no ordinance shall take effect before at least one publication thereof.

Proceedings of common council to be published.

Proviso.

Sec. 11. The style of ordinances shall be, "It is hereby ordained by the common council of the city of Detroit."

Style of ordinances.

Sec. 12. All meetings of the common council shall be public, and its proceedings and records shall be open to public inspection at reasonable times.

Meetings of common council to be public.

Sec. 13. The inhabitants of said city shall have the right to petition the common council.

Right of petition.

Sec. 14. The common council shall be the judge of the election and qualifications of its own members, and shall have the power to determine contested elections, to compel the attendance of absent members, to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, and not inconsistent with the provisions of this act.

Common council to be judge of elections. Shall have power to establish rules, &c.

Sec. 15. The common council shall have the general management

General
power of
common
council.

and control of the finances, and all the property, real personal and mixed, belonging to the corporation, whether lying within or beyond the limits of said city, with full power to lease, sell, convey, transfer and dispose of the same absolutely; and shall have power to make all necessary regulations for preserving and protecting the same from destruction, decay or injury, and concerning the management thereof.

Certain re-
solutions
not to be
passed at
same meet-
ing at which
it was in-
troduced.

Exceptiona.

Sec. 16. No resolution, ordinance or proceeding of the common council, imposing taxes or assessments, or requiring the payment, expenditure or disposal of money or property, or creating a debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor; and every such ordinance, resolution or proceeding shall be passed by yeas and nays, to be entered on the record; and upon the demand of one-fourth of the members present, the yeas and nays shall be taken on any question and entered on the record.

Yeas and
Nays.

Aldermen
not to vote
on question
when he is
interested.

Sec. 17. No alderman shall vote on any question in which he is interested; on all other questions every alderman present shall vote; and in all cases of a tie vote, the question shall be lost.

How ap-
pointments
made.

Removals.

Sec. 18. All appointments to office shall be made by a majority vote of all the aldermen elected; and removals from office shall be made by the like vote, except in cases where, by this act, a different vote may be required.

Standing
committees.

Duties.

Sec. 19. The president of the common council shall appoint such committees as the common council may deem necessary. The duties of standing committees shall be prescribed by general ordinance.

Powers of
chairman of
committees,
and mem-
bers of
boards.

Sec. 20. The chairman of any committee, and the members of any board established under this act, may administer oaths and take affidavits in respect to any matter pending before such committee or board; such committees or board shall have power to subpoena witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them, and to that end the common council may prescribe and regulate the necessary proceedings, and confer upon the marshal or other officer of the corporation, all needful powers for the purposes aforesaid.

Powers of
common
council.

Sec. 21. The common council, in addition to its powers under this act, and subject to and consistently with its provisions, shall have power within the limits and jurisdiction of the corporation:

1st. To determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided; but the compensation of no officer, fixed by an annual or periodical salary, shall be diminished during the term for which he was elected or appointed. The salary of no officer shall be increased during his term of office, unless by a two-thirds vote of the common council. Compensation of officers.

2d. To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act. Appointments and removals.

3d. To authorize and regulate the demand and receipt, by officers, of such fees and costs, and in such cases as the common council may deem reasonable. Fees and costs.

4th. To fix and regulate the fees of jurors and witnesses in any proceeding under this act, or under any ordinance of the common council. Fees of jurors and witnesses.

5th. To provide for and preserve the purity and salubrity of the waters of the Detroit river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of the said river within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may, at any time, occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels, and laying out of cargoes and ballast from the same. Detroit river.

6th. To license, continue and regulate so many ferries from within said city to the opposite shore of Detroit river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good. Ferries.

7th. To erect, repair and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Detroit river beyond a certain line, to be established by the common council; and to prohibit the encumbering of all public wharves and docks, with boxes, carriages, carts, drays, sleighs, sleds or other vehicle or thing whatsoever. Wharves and docks.

8th. To lease the wharves and wharfing privileges, at the ends of streets, on the Detroit river, in said city, upon such terms and condi- Leases.

tions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct; but no buildings shall be erected thereon; no lease thereof shall be executed for a longer period than three years, and a free passage at all times for all persons with their baggage over said public wharves.

Highways
and streets.

9th. To work and improve all highways, avenues, streets, lanes, alleys, and public spaces within said city; to assess and levy upon all taxable property within said city, and expend such highway taxes as may be necessary therefor, and to elect whether the same shall be collected in money or labor, in such amount as the common council shall prescribe, for each ward respectively: *Provided*, Such highway taxes shall not in amount exceed the rates now fixed by law, and the same shall be collected, assessed and levied as other taxes.

Public
parks,
squares and
spaces.

10th. To make, grade, improve and adorn the public parks, squares, spaces and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof.

Streets, &c.

11th. To establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, avenues, lanes, alleys and public grounds or spaces within said city; and to grade, pave, repair and otherwise improve the highways, streets, avenues, lanes, alleys, interior public spaces, or created by the intersection of streets, cross-walks and side-walks in said city, with stone, wood, brick or other material; and the common

Paying costs
and expenses.

council shall have full power and authority to provide for paying the costs and expenses thereof by assessment on the owner of the lot or premises in front of, or adjacent to which, such highways, streets, avenues, lanes, alleys, interior or public spaces, cross-walks or side-walks, may be directed to be graded, paved, repaired or otherwise improved: *Provided*, That the cost of such grading, paving, repairing or improving such interior or public spaces shall be assessed to each block, in such proportions as the common council shall deem just and equitable: *Provided further*, That each block shall only be assessed to the centre of such interior or public spaces each way, which assessment shall be a lien, until paid, on such lot or premises, in front of or adjacent to which such grading, paving, repairing and improving may be directed, and shall be collected in the same manner as other assessments or taxes imposed by authority of the common council. Whenever such grading, paving, repairing and im-

proving shall be at the intersection of two or more avenues or streets, and in front of or adjacent to the point of a triangular block, such portion of the costs and expenses thereof shall be assessed to and paid by the city of Detroit, as the common council shall deem just.

12th. To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces; and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same. ^{Dirt, filth, &c.}

13th. To clean the highways, streets, avenues, lanes, alleys, public grounds and squares, cross-walks and side-walks in said city, of filth, mud and other substances; to prohibit and prevent the incumbering thereof with boxes, signs, posts and all other material or things whatsoever, and to remove the same therefrom, and prevent the exhibition of signs on canvass or otherwise in and upon any vehicle standing or traveling upon the streets of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs therein; to compel the occupants of lots to clear the side-walks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes and every incumbrance or obstruction thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city, shall be used and enjoyed; to direct and regulate the planting, and provide for the preservation of ornamental trees therein; to provide for and regulate the lighting of the same, and the erection of lamps and lamp-posts therein; to prohibit and prevent racing and fast or dangerous driving and riding therein; to prohibit and prevent the flying of kites, and all practices, amusements and doings therein having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed all walls and other structures that may be liable to fall therein, or otherwise, so as to endanger life or property. ^{Cleaning streets, &c.}

14th. To prohibit and prevent any riot, rout, disorderly noise, disturbance or assemblage, or the crying of any goods in the streets, or elsewhere in said city. ^{Riots, routs, &c.}

15th. To preserve quiet and order on the docks and in the streets of said city, at the arrival and departure of railroad cars, steamboats and other vessels, and prescribe and regulate the manner and places in ^{Quiet on docks and streets.}

secuted therefor, and on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Conducting elections.

Sec. 11. The manner of conducting and voting at elections to be held under this act, the keeping of the poll lists, canvassing of the votes, certifying the returns, and all other proceedings connected with such elections shall be the same, as nearly as may be, as is now or hereafter may be provided for by the laws of this State, applicable to general State elections, except as may be otherwise provided in this act.

Certifying return of elections.

Sec. 12. On canvassing the votes, the inspectors shall certify a full and true return thereof, under their hands, to the clerk of the city, carefully sealed up, together with the poll lists and ballots, within forty-eight hours after the closing of the polls; and the inspectors of election or a majority of them, shall, on the Saturday next after election, at three o'clock in the afternoon, meet at the city clerk's office, or common council room, and proceed to open and canvass the said returns, and declare the result of the election.

Canvass.

Conducting special elections.

Sec. 13. Special elections shall be conducted, as near as may be, in the same manner as general elections, but in such cases the return of the inspectors shall be opened and canvassed, and the result declared by the common council, at its first meeting after the making of said returns.

Ballots for vacancy to designate vacancy.

Sec. 14. If any person be voted for at any election to fill a vacancy or residue of a term, the ballots of the electors shall designate such vacancy or residue.

Plurality to elect.

Sec. 15. In the canvass of the votes, any person who has received a plurality of the votes for any office, shall be declared duly elected to such office.

Proceedings in case of tie.

Sec. 16. When two or more persons shall have an equal number of votes for the same office, the election shall be determined by the drawing of lots in the presence of the common council. The names of each of such persons shall be written on separate slips of paper, and deposited in a box or other proper place, and the president of the common council shall draw out of said box or other place, in the usual manner of determining by lot, one of said slips, and the person whose name is there-

on, shall be deemed entitled to hold the office for which he received said votes, in the same manner as other officers duly elected.

Sec. 17. The mode of conducting all State, district and county elections in said city, shall be in the manner herein provided for the election of city officers, except that the returns thereof shall be made to the county clerk, and the same proceedings had, as near as may be, as are now or may hereafter be provided by law for the return of votes by township inspectors of elections.

Mode of conducting State, district and county elections.

Sec. 18. No person entitled to vote at any election held under this act, shall be arrested on civil process within said city, on the day on which such election is held.

Privilege from arrest on day of election.

Sec. 19. The first election under this act shall be on the first Tuesday after the first Monday in November, 1857; and all officers now holding office by election in said city which are made elective by the people under this act, shall continue to hold their respective offices until the second Tuesday of January, 1858. The aldermen of said city who were elected in the year 1855, shall continue in office until the second Tuesday in January, 1858, and shall be succeeded in office by the aldermen who are elected in November, 1857; and the aldermen who were elected in the year 1856, shall continue in office until the second Tuesday in January, 1859, and shall be succeeded in office by the aldermen who are elected in November, 1858. In all cases where any new office is created, or where any vacancy may occur under the provisions of this act, the common council may appoint persons to fill the same until the second Tuesday of January, 1858, when their successors shall be appointed, except the assessor who shall be appointed for his full term as herein provided. The present recorder of said city shall continue to hold his office until the second Tuesday of January, 1858, and shall possess and exercise the powers and duties now possessed and exercised by him under the present charter of said city, and shall also be president of the common council, and shall possess and exercise the powers and duties of that office as herein provided, until the expiration of his term of office, and shall receive such salary as the common council shall prescribe. The present comptroller of said city shall continue to hold his office until the first day of April, 1859. The office of ward assessor is hereby abolished.

Time of first election.

Officers holding office to continue.

CHAPTER IV.

OFFICERS—THEIR RIGHTS, POWERS AND DUTIES.

Mayor. **Sec. 1.** The mayor shall be the chief executive officer of the city
His duty. Detroit, and conservator of its peace. It shall be his duty to keep
 an office in some convenient place in said city, to be provided by the
 common council, to see that all officers of said city faithfully comply
 with and discharge their official duties; to see that all laws pertaining
 to the municipal government of said city, and all ordinances and resolu-
 tions of the common council be faithfully observed and executed; and
 he shall have power, in his discretion, to report to the common council
 any violations thereof. He shall, from time to time, give to the com-
 mon council such information, and recommend such measures as he
 shall deem necessary or expedient.

Salary of **Sec. 2.** The mayor shall be paid a salary of twelve hundred dollars
mayor. per annum. In case of a vacancy in the office of mayor, or of his being
 unable to perform the duties of his office, by reason of sickness, absence
Who is to be from the city or other cause, the president of the common council shall
acting be acting mayor, and in case at the same time there shall also be a va-
mayor in cancy in the office of president of the common council, or shall he be
certain cas- unable to perform the duties of his office by reason of sickness, absence
es. from the city or other cause, the president *pro tempore* of the common
 council shall be acting mayor; and such acting mayor shall be vested
 with all the powers, and shall perform all the duties of mayor, until the
 vacancy or vacancies aforesaid be filled, or the mayor or president of the
 common council, as the case may be, shall resume his office.

President of **Sec. 3.** The common council shall, at its first meeting in January in
common each year, select from their number a president for the year; and in case
council. of a vacancy, or his temporary absence, supply his place by the election
 of a president *pro tempore*.

In certain **Sec. 4.** The president *pro tempore* of the common council shall pre-
cases Presi- side at its meetings, in case of a vacancy in the office of president of
dent pro the common council, or of his being unable, from any cause, to be pres-
tempore to ent and preside; in such case the president *pro tempore* shall be invested
preside. with all the power, and shall perform all the duties of president of the
His powers. common council, until he shall resume his office, or the vacancy therein
 be filled.

Sec. 5. The attorney shall appear in and conduct all suits, prosecutions and proceedings in the recorder's court, to which the city of Detroit is a party, to the end thereof, subject to the rules and practice of said court; and if the same be removed to any other tribunal, by writ of error, habeas corpus or otherwise, he shall conduct the case before such tribunal. Duties of attorney.

Sec. 6. The clerk of the corporation shall keep the corporate seal, and all papers filed in or pertaining to his office, and shall be clerk of the common council, shall attend its meetings, and shall make and preserve a record of all its ordinances, resolutions and other proceedings in proper books to be provided therefor, and when requested shall duly certify, under the corporate seal, copies thereof, and of all papers duly filed in his office pertaining to the same, and shall possess and exercise the powers of township clerks. Duties of clerk.

Sec. 7. It shall be the duty of the comptroller to countersign all bonds which the corporation or common council is authorized to issue, pledging the faith and credit of said city; to receive all accounts and demands against the corporation, examine them in detail, audit and allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof; file and number them as vouchers, in the order of their allowance; register them with the amount allowed and date of allowance, in the same order, in a proper book provided for such purpose, and on their being properly discharged in writing, to draw and sign his warrant therefor upon the treasurer. When the same is ordered to be paid by the common council, if he shall have any doubt concerning their correctness, he shall register them in a separate list, and return them to the common council with his objections. If the same be allowed by the common council, in pursuance of their authority under this act, on their return to the comptroller, with a certificate of the clerk endorsed thereon, that they have been allowed by the common council, he shall then file and register them in the lists of allowed claims, in the same manner as above provided for the registering of claims audited and allowed by him; and on their being properly discharged in writing, shall draw and sign his warrant therefor on the treasurer. It shall also be the duty of the controller to lay before the common council, once in each year, in the month of April, or oftener, if directed by the common council, a Duties of Comptroller

Receive and audit accounts.

File vouchers.

Draw warrants.

Register doubtful accounts and return to common council.

To present
to common
council
schedule of
accounts,
leases.

To examine
tax rolls and
returns of
city officers.

To advise
common
council
when any
fund is ex-
hausted.

To open ac-
count with
treasurer.

Keep list of
property of
corporation.

schedule of all accounts audited and allowed by him, and of all leases of the property of the corporation, specifying the names of the lessees, the rates of rent, and the period when the leases will terminate. It shall also be the duty of the controller to examine the tax rolls and returns of the city officers, and take the general supervision of the financial concerns of the corporation, to keep a complete set of books, exhibiting the financial condition of the corporation in its various departments and funds, its resources and liabilities, with a proper classification thereof, and each fund or appropriation for any distinct object of expenditure or class of expenditures. When any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for, and to be paid out of such fund or appropriation, the comptroller shall advise the common council thereof at its next meeting.

Sec. 8. The comptroller shall also open an account with the treasurer, in which he shall charge said treasurer with the whole amount of taxes, general and special, levied in said city; also, the whole amount in detail of all bonds, notes, mortgages, leases, rents, interest, and other moneys receivable, in order that the value and description of all personal property belonging to the corporation, may at any time be known. He shall also keep a list of all property, real, personal, and mixed, belonging to the corporation, and of all its debts and liabilities, in order that the amount of the moneys and liabilities of the corporation may at any time be known at his office. The comptroller shall also perform such other duties as are prescribed by this act, or may be prescribed by the common council, subject to the provisions hereof. The comptroller shall also open accounts with the treasurer, in which he shall charge him with all moneys appropriated, raised or received for each of the several funds of the corporation, and credit him for all warrants drawn thereon, keeping a separate account of debit and credit for each fund, charging every warrant drawn to the account of the particular fund, constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at the comptroller's office, when each fund has been or may be exhausted, and what balance, if any, may remain therein.

Sec. 9. The recorder and the clerk of the recorder's court shall possess and exercise the powers and duties elsewhere prescribed in this act.

Sec. 10. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the corporation. He shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of, and by authority of law, and on a warrant signed by the comptroller, which shall specify the purpose for which the amount thereof is to be paid. He shall keep an accurate account of, and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation; shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the comptroller. He shall exhibit to the common council annually, and as often and for such period as may be required, a full and detailed account of all receipts and disbursements since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such disbursements are made; shall report to the comptroller, at the end of each month, the amount received and credited by him to each fund, and on what account received; and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the comptroller.

Duties of treasurer.

Sec. 12. (11.) The marshal shall possess and exercise the powers and duties, as a conservator of the peace, which township constables under the general laws of this State possess, and may exercise, and shall possess and exercise such other powers and duties as shall be prescribed by the common council for the preservation of the public peace, and shall possess and exercise the same powers for the service and execution of all writs, process and warrants issuing out of the recorder's court, in cases arising under the ordinances of the city which sheriffs now have or may have by law for the service and execution of writs and process issuing from the circuit courts of this State. He shall obey and execute all lawful precepts and commands of said common council and of said recorder's court; shall attend the sittings of said court, and he, or one of his deputies, shall attend the meetings of said common council.

Powers and duties of marshal.

Sec. 12. Assistant marshals shall have and exercise the same powers and duties as the marshal.

Assistant marshals.

Surveyors
powers and
duties.

Sec. 13. The surveyor shall have power, and it shall be his duty, to survey within the corporation limits. He shall have the same power to make surveys and plats within the corporation limits as are now or may hereafter be given by law to county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are or may hereafter be given by law to the official acts, surveys and plats of county surveyors. He shall make out the assessment rolls for paving, for side and cross-walks, for lateral sewers, and for all other special assessments, and shall survey for the city.

Duties of
collector.

Sec. 14. It shall be the duty of the collector of the corporation to collect all assessments for constructing or paving side-walks and cross-walks, for paving streets and alleys, and such special assessments as may be imposed and levied by the common council.

Duties of
assessors.

Sec. 15. The assessor shall assess all the property liable to assessment, for the purpose of levying the taxes lawfully imposed thereon, as hereinafter more particularly provided. The assessor shall also prepare and return a list of persons to serve as jurors, as hereinafter provided in this act.

Duties of
street com-
missioners.

Sec. 16. The street commissioner shall superintend the construction, pavement, repair and cleaning of side-walks, cross-walks, streets, lanes, alleys, public places, culverts and bridges within said city.

Duties of
overseers of
highways of
wards.

Sec. 17. The overseer of highways for each ward, shall, under the superintendence and control of the street commissioner, work and improve the highways, streets, lanes, alleys and public places of said city in the ward for which he is elected, and render a true account of the expenses thereof under oath to the comptroller.

Duties of
ward col-
lectors.

Sec. 18. The collector for each ward shall collect all city, highway, sewer and school taxes, and all State and county taxes, assessed and imposed upon the real and personal property for such ward, and account for and pay over the same, as required by law, or by ordinance or resolution of the common council, which have not been paid into the

Directors of
the poor
and con-
stables.

city treasury. The director of the poor and constables shall have the powers and perform the duties of township officers elected under the general laws of the State, subject to the provisions of this act.

Books,
papers and
moneys to
be delivered
to succes-

Sec. 19. Whenever any officer shall resign or be removed from office or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the

books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office, and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offence, under the general laws of this State now or hereafter in force, and applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of the State.

sors in
office.

Penalty for
violation.

Sec. 20. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient and shall prescribe by ordinance or resolution.

General
powers and
duties of
officers.

Sec. 21. The mayor, recorder and members of the common council, clerk, comptroller and clerk of the recorder's court, are hereby authorized generally to administer oaths and to take affidavits; but neither of said officers shall receive any fees therefor except said clerks. The comptroller shall have the power to take acknowledgements of deeds, under the laws of this State.

Who may
administer
oaths.

Comptroller
may take ac-
knowledge-
ment of
deeds.

CHAPTER V.

COMMON COUNCIL—POWERS AND DUTIES.

Sec. 1. The aldermen of the city shall constitute the common council thereof, and a majority of all the aldermen elected shall be a quorum for the transaction of business, but a smaller number may adjourn from day to day; the clerk of the city shall be clerk of the common council.

Who con-
stitute
common
council.

Sec. 2. The common council, at its first meeting after the annual city election, and after the newly elected aldermen, or a majority thereof, shall have entered into their offices, shall appoint, by ballot, one of their number president who shall serve until the first meeting of the common council after the next annual election, and until his successor be appointed, and shall have the powers and duties prescribed in this act.

Common
council to
appoint
president.

Sec. 3. The common council shall hold regular sessions at such times and places as they shall, by ordinance or resolution, direct, and may adjourn regular sessions from time to time, as may be deemed expedient.

Sessions of
common
council.

Sec. 4. Special meetings of the common council may be called at any time by the mayor, or if one-third of all the aldermen elected shall, in writing, request the president of the common council to call a special

Special
meetings;
by whom
called.

Notice of
special
meeting.

May be ad-
journed.

Ordinances
and resolu-
tions to be
presented to
mayor for
approval.

If mayor
approves, he
shall write
and sign his
approval.

If mayor
shall not ap-
prove he
shall return
with his ob-
jections.

If mayor
neglect to
approve or
return.

Reconsider-
ation.

meeting, stating therein the time and objects thereof, and he shall refuse or neglect for twenty-four hours to call such meeting, a copy of such request to the president may be filed with the clerk of the city, with the certificate of any alderman endorsed thereon, showing the presentation thereof to the president and his refusal or neglect as aforesaid, and thereupon such special meeting shall be held, and the clerk of the city shall cause notice thereof, and of its time and place to be served on each of the members of the common council, personally, or by leaving the same at their usual place of abode, and the proceedings of said meeting shall be limited to the objects thereof as set forth in such request to the president. Special meetings may be adjourned from time to time, as may be deemed necessary, in order to dispose of the business which they are called to consider.

Sec. 5. Every ordinance, resolution or proceeding of the common council, imposing taxes or assessments, or originating the expenditure or disposal of money or property, or whereby the corporation or any board of officers under this act may incur any debt or liability, and every ordinance and resolution, except resolutions making appointments to or removal from office, and except ordinances or resolutions for the fixing of salaries, and for the payment of debts and liabilities previously and lawfully contracted, shall, before it takes effect, be presented by the clerk to the mayor; if the mayor approve thereof, he shall thereon write his approval with the date thereof, and sign the same, and thereupon such ordinance, resolution or proceeding shall go into effect; and such as he shall not so approve and sign, he shall return to the common council with his objections thereto in writing, under cover, sealed and addressed to the said common council.

Sec. 6. If the mayor shall neglect to approve, as aforesaid, any ordinance, resolution or proceeding, or return the same as aforesaid, to said common council, with his objections, at the next regular meeting after the same shall have been presented to him by the clerk as before provided, the same shall go into effect.

Sec. 7. Upon the return as aforesaid of any ordinance, resolution or proceeding, the common council shall proceed to reconsider the vote by which the same was passed and adopted; and if, after such reconsideration, two-thirds of all the members elected shall agree by ayes and noes

which shall be entered of record, to pass or adopt the same, it shall go into effect.

Sec. 8. The clerk of the city shall, at the time of presenting any ordinance, resolution or proceeding of the common council to the mayor, for his approval or disapproval, make a certificate, to be endorsed thereon or attached thereto, in which he shall specify the day on which the same was so presented; and such certificate shall be recorded with the proceedings of the common council.

City clerk to make certificate of date of presentation.

Recording certificate.

Sec. 9. All ordinances, resolutions and written proceedings of the common council shall be deposited in the office of the clerk of the city, who shall safely keep the same; and they shall be recorded in proper books, to be provided therefor. He shall keep a journal record of the proceedings of the common council, and also a record of every ordinance enacted, and of the time of its first publication, which record shall be signed by the clerk and by the president of the common council.

Ordinances, &c., to be deposited with clerk and recorded.

Clerk to keep journal and record.

Sec. 10. All proceedings of the common council shall be published in some daily newspaper published in said city; all ordinances shall be published for six successive days in the official daily newspaper of said city, and in one other daily newspaper published in said city, and shall take effect in ten days after their enactment: *Provided, however, That* the common council may fix and prescribe therein a different period, and that no ordinance shall take effect before at least one publication thereof.

Proceedings of common council to be published.

Proviso.

Sec. 11. The style of ordinances shall be, "It is hereby ordained by the common council of the city of Detroit."

Style of ordinances.

Sec. 12. All meetings of the common council shall be public, and its proceedings and records shall be open to public inspection at reasonable times.

Meetings of common council to be public.

Sec. 13. The inhabitants of said city shall have the right to petition the common council.

Right of petition.

Sec. 14. The common council shall be the judge of the election and qualifications of its own members, and shall have the power to determine contested elections, to compel the attendance of absent members, to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, and not inconsistent with the provisions of this act.

Common council to be judge of elections. Shall have power to establish rules, &c.

Sec. 15. The common council shall have the general management

General
power of
common
council.

and control of the finances, and all the property, real personal and mixed, belonging to the corporation, whether lying within or beyond the limits of said city, with full power to lease, sell, convey, transfer and dispose of the same absolutely; and shall have power to make all necessary regulations for preserving and protecting the same from destruction, decay or injury, and concerning the management thereof.

Certain re-
solutions
not to be
passed at
same meet-
ing at which
it was in-
troduced.

Exceptions.

Sec. 16. No resolution, ordinance or proceeding of the common council, imposing taxes or assessments, or requiring the payment, expenditure or disposal of money or property, or creating a debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor; and every such ordinance, resolution or proceeding shall be passed by yeas and nays, to be entered on the record; and upon the demand of one-fourth of the members present, the yeas and nays shall be taken on any question and entered on the record.

Yeas and
Nays.

Aldermen
not to vote
on question
when he is
interested.

Sec. 17. No alderman shall vote on any question in which he is interested; on all other questions every alderman present shall vote; and in all cases of a tie vote, the question shall be lost.

How ap-
pointments
made.

Removals.

Sec. 18. All appointments to office shall be made by a majority vote of all the aldermen elected; and removals from office shall be made by the like vote, except in cases where, by this act, a different vote may be required.

Standing
committees.
Duties.

Sec. 19. The president of the common council shall appoint such committees as the common council may deem necessary. The duties of standing committees shall be prescribed by general ordinance.

Powers of
chairman of
committees,
and mem-
bers of
boards.

Sec. 20. The chairman of any committee, and the members of any board established under this act, may administer oaths and take affidavits in respect to any matter pending before such committee or board; such committees or board shall have power to subpoena witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them, and to that end the common council may prescribe and regulate the necessary proceedings, and confer upon the marshal or other officer of the corporation, all needful powers for the purposes aforesaid.

Powers of
common
council.

Sec. 21. The common council, in addition to its powers under this act, and subject to and consistently with its provisions, shall have power within the limits and jurisdiction of the corporation:

1st. To determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided; but the compensation of no officer, fixed by an annual or periodical salary, shall be diminished during the term for which he was elected or appointed. The salary of no officer shall be increased during his term of office, unless by a two-thirds vote of the common council. Compensation of officers.

2d. To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act. Appointments and removals.

3d. To authorize and regulate the demand and receipt, by officers, of such fees and costs, and in such cases as the common council may deem reasonable. Fees and costs.

4th. To fix and regulate the fees of jurors and witnesses in any proceeding under this act, or under any ordinance of the common council. Fees of jurors and witnesses.

5th. To provide for and preserve the purity and salubrity of the waters of the Detroit river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of the said river within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may, at any time, occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels, and laying out of cargoes and ballast from the same. Detroit river.

6th. To license, continue and regulate so many ferries from within said city to the opposite shore of Detroit river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good. Ferries.

7th. To erect, repair and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Detroit river beyond a certain line, to be established by the common council; and to prohibit the encumbering of all public wharves and docks, with boxes, carriages, carts, drays, sleighs, sleds or other vehicle or thing whatsoever. Wharves and docks.

8th. To lease the wharves and wharfing privileges, at the ends of streets, on the Detroit river, in said city, upon such terms and condi- Leases.

tions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct; but no buildings shall be erected thereon; no lease thereof shall be executed for a longer period than three years, and a free passage at all times for all persons with their baggage over said public wharves.

Highways
and streets.

9th. To work and improve all highways, avenues, streets, lanes, alleys, and public spaces within said city; to assess and levy upon all taxable property within said city, and expend such highway taxes as may be necessary therefor, and to elect whether the same shall be collected in money or labor, in such amount as the common council shall prescribe, for each ward respectively: *Provided*, Such highway taxes shall not in amount exceed the rates now fixed by law, and the same shall be collected, assessed and levied as other taxes.

Public
parks,
squares and
spaces.

10th. To make, grade, improve and adorn the public parks, squares, spaces and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof.

Streets, &c.

11th. To establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, avenues, lanes, alleys and public grounds or spaces within said city; and to grade, pave, repair and otherwise improve the highways, streets, avenues, lanes, alleys, interior public spaces, or created by the intersection of streets, cross-walks and side-walks in said city, with stone, wood, brick or other material; and the common

Paying costs
and expenses.

council shall have full power and authority to provide for paying the costs and expenses thereof by assessment on the owner of the lot or premises in front of, or adjacent to which, such highways, streets, avenues, lanes, alleys, interior or public spaces, cross-walks or side-walks, may be directed to be graded, paved, repaired or otherwise improved: *Provided*, That the cost of such grading, paving, repairing or improving such interior or public spaces shall be assessed to each block, in such proportions as the common council shall deem just and equitable: *Provided further*, That each block shall only be assessed to the centre of such interior or public spaces each way, which assessment shall be a lien, until paid, on such lot or premises, in front of or adjacent to which such grading, paving, repairing and improving may be directed, and shall be collected in the same manner as other assessments or taxes imposed by authority of the common council. Whenever such grading, paving, repairing and im-

proving shall be at the intersection of two or more avenues or streets, and in front of or adjacent to the point of a triangular block, such portion of the costs and expenses thereof shall be assessed to and paid by the city of Detroit, as the common council shall deem just.

12th. To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces; and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same. Dirt, filth, &c.

13th. To clean the highways, streets, avenues, lanes, alleys, public grounds and squares, cross-walks and side-walks in said city, of filth, mud and other substances; to prohibit and prevent the incumbering thereof with boxes, signs, posts and all other material or things whatsoever, and to remove the same therefrom, and prevent the exhibition of signs on canvass or otherwise in and upon any vehicle standing or traveling upon the streets of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs therein; to compel the occupants of lots to clear the side-walks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes and every incumbrance or obstruction thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city, shall be used and enjoyed; to direct and regulate the planting, and provide for the preservation of ornamental trees therein; to provide for and regulate the lighting of the same, and the erection of lamps and lamp-posts therein; to prohibit and prevent racing and fast or dangerous driving and riding therein; to prohibit and prevent the flying of kites, and all practices, amusements and doings therein having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed all walls and other structures that may be liable to fall therein, or otherwise, so as to endanger life or property. Cleaning streets, &c.

14th. To prohibit and prevent any riot, rout, disorderly noise, disturbance or assemblage, or the crying of any goods in the streets, or elsewhere in said city. Riots, routs, &c.

15th. To preserve quiet and order on the docks and in the streets of said city, at the arrival and departure of railroad cars, steamboats and other vessels, and prescribe and regulate the manner and places in Quiet on docks and streets.

which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers and solicitors for passengers or for baggage, with their drays, carts, cabs, carriages, sleighs or other vehicles, shall stand, and to prohibit or prevent them from entering or driving within any railroad depot, or upon any wharf or dock, or entering upon any steamboat or other vessels to solicit passengers, or for baggage.

**Stands for
vehicles.**

16th. To prescribe places or stands in the streets of said city, within which drays, carts, cabs, hacks, coaches, carriages, sleighs, sleds and other vehicles may stand and be kept for hire, and within which loads of wood, coal, hay and other articles may be kept for sale, and to regulate such stands and places.

17th. To prohibit and prevent the exhibition of fire-works and firing of cannon or any fire-arms, which the common council may deem dangerous to life or property.

**Paving side-
walks.**

18th. To permit any person to pave or plank the side-walks in front of the premises owned or occupied by such person, in said city, under the direction of the street commissioners, or some other officer of the corporation, and according to such regulations as the common council shall prescribe; and whenever any street shall have been graveled, planked McAdamized or paved by the common council, and the assessments for the cost and expenses thereof has been duly paid to the corporation, such person shall not be assessed or compelled to pay any district, road or highway taxes on the premises in front of which such pavement shall have been made, so long as he shall keep the same in repair, to the satisfaction of the common council.

**Indecent exposure of
person, obscene pictures,
indecent shows.**

19th. To prohibit or prevent, in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind.

**Animals at
large in
streets, &c.**

20th. To prohibit and prevent or regulate the leading and driving or running at large of cattle, horses, asses, mules, swine, sheep, goats, geese and domestic fowls, in the streets or elsewhere in said city, and to impound the same, when running at large, in one or more sufficient pounds, to be provided and maintained by the city, and to sell the same

to pay the cost of proceedings and any penalty thereby incurred, rendering the surplus, if any, to the owner.

21st. To prohibit and prevent or regulate the running at large of ^{Dogs.} dogs, to require them to be muzzled, and to authorize their destruction, when running at large in violation of any ordinance of the common council; to compel persons to fasten or secure their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the streets, lanes or alleys of said city; to prohibit and prevent persons from driving in vehicles or otherwise upon or across the side-^{Securing teams.} walks of said city. ^{Driving on side-walks.}

22d. To establish, construct, maintain, repair, enlarge and discontinue ^{Bridges, culverts, sewers and drains.} within the highways, streets, avenues, lanes, alleys and public spaces of said city, such bridges, culverts, sewers, drains and lateral drains and sewers, as the common council may see fit, with a view to the proper sewerage and drainage of said city; to compel the owners of all occupied lots, premises and sub-divisions thereof within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain. Said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations as the common council shall prescribe.

23d. To assess, levy and collect an annual assessment or tax on all ^{Assessments on lots and cellars.} lots and sub-divisions thereof, and on all cellars drained by private drains or sewers connected with any public sewer or drain, as hereafter further provided.

24th. To survey, ascertain and establish the boundaries of the city, ^{Boundaries of city and streets.} and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit and remove all encroachments upon the same by buildings, fences, or in any other manner, and to number ^{Number buildings.} the buildings, the expense of such numbering to be assessed against and collected of the owner or occupant.

25th. To provide for the draining of any swamp, marsh, wet or low ^{Draining Swamps.} lands in said city, or within the distance of three miles therefrom, by the opening of ditches; but a jury of not less than six disinterested freeholders of the county of Wayne, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also, whether the benefits which will accrue to the owner or owners of any lands from the opening of the ditch, will or will not be equal to any

damages he or they will sustain thereby. If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefits their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements, to cut and open said ditch, to protect, clean and scour it from time to time, so as to preserve its original dimensions, and to prohibit and prevent all obstruction thereof or injury thereto.

Markets.

26th. To erect and maintain market-houses, establish markets and market-places; to lease market-stalls, booths and stands; to provide fully for the good government and regulation thereof, and to prohibit, and prevent and punish forestalling and regrating.

Public health.

27th. To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally, and, if deemed necessary, to establish a board of health and prescribe and regulate its powers and duties.

Nuisances.

28th. To prohibit, prevent, abate and remove all nuisances in said city, or within the distance therefrom of half a mile, and to punish the authors or maintainers thereof, and authorize and direct their speedy or immediate abatement or removal of nuisances by some officer of said city. If, in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level or drain any lot or premises, they shall have power so to do; to assess the cost and expenses of such filling, leveling or draining, and impose the same as an assessment or tax on said lot or premises, which shall be a lien thereon till paid, and shall be collected in the same manner as other taxes and assessments levied and imposed by authority of the common council.

Abatement of nuisances

29th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap, candle, starch or glue factory, tannery, butcher's shop, or stall, slaughter house, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse or abate the same

whenever necessary for the health, comfort or convenience of the inhabitants of said city.

30th. To prohibit and prevent any person from burying, depositing^{Ib.} or leaving within the limits of said city, or within one mile distant therefrom, or keeping or having on the premises owned or occupied by him in said city, any dead carcass, putrid or unsound beef, pork, fish, hides and skins, and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing or leaving the same within the limits of said city, or one mile distant therefrom, or having or keeping the same on the premises owned or occupied by him in said city, to remove the same.

31st. To direct and regulate the construction of cellars, slips, barns, Cellars. private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some officer of the corporation, and assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon, which assessment shall be a lien on such lot or premises, and be collected in the same manner as other assessments imposed by authority of the common council; to direct and regulate the construction of lateral sewers or drains for the purpose of more effectually draining all lots or cellars, yards and sinks within the limits of said city, whenever in their opinion the same shall be necessary: *Provided*, Such lateral sewers or drains shall be laid or constructed through any of the streets and alleys adjoining or in front of the premises through which such sewers or drains shall be ordered constructed, and assess the expense thereof on such lots or premises benefited thereby, which assessment shall be a lien on such lot or premises until paid, and be collected in the same manner as other assessments imposed by authority of the common council.

32d. To establish a fire department; to provide for the prevention and Fire department. extinguishment of fires, and to establish, organize and regulate fire companies in the manner elsewhere prescribed in this act.

33d. To prohibit and prevent within certain limits in said city, to be Powder or other factory or building. determined by the common council, the location or construction of buildings for storing powder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous

or easily inflammable or explosive substances, slaughter houses and yards, butchering shops, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments, as aforesaid, now or hereafter to be constructed in said city, whether within or without the limits, to be determined as aforesaid, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra-hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make with a view to the protection of any property from injury by fire, or to the health, safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances.

Safe guards
against fire.

34th. To regulate the keeping and conveyance in said city of powder and other combustible or dangerous articles, and the use and kind of lights or lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra-hazardous in respect to fire.

Wooden
buildings;
construc-
tion, remov-
ing and re-
building
may be pro-
hibited.

35th. To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other building on such streets, alleys and places, or within such limits in said city as the common council may from time to time prescribe; to prohibit and prevent the removing of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places, or within said limits, and the rebuilding and repairing of the same; to prevent the rebuilding or repairing of wooden buildings on said streets, alleys and places, or within said limits, when damaged by fire or otherwise.

Partition
fences, walls,
chimneys.

36th. To regulate the construction of partition fences and of partition and parapet walls, the thickness of walls and the size of brick; to regulate the construction of chimneys, hearths, fire places, fire arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus, that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash houses or de-

Safe guards
against fire.

posits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of a fire all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom.

37th. To prohibit and prevent or to regulate bathing and swimming ^{Bathing.} in any of the waters in and adjoining said city, determine the times and places thereof, and prohibit and prevent any obscene or indecent exhibition, exposure or conduct thereat.

38th. To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses and disorderly groceries; to restrain, suppress and punish the keepers thereof; to punish, restrain and prevent common prostitutes, vagrants, mendicants, street beggars, drunken or disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the management, use or practice thereof. ^{Houses of ill fame and assignation.}

39th. To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions, and impure or spurious wines and spirituous liquors, and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale. ^{Unwholesome provisions.}

40th. To prohibit, restrain or prevent persons from gaming for ^{Gaming.} money with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop or any other place in said city; to punish the persons keeping the building, instruments or means for such gaming, and compel the destruction of the same.

41st. To prohibit, prevent and suppress all lotteries for the drawing ^{Lotteries.} or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintainance, direction or management thereof.

Intoxicating
liquors.

42d. To prohibit and prevent persons from selling or giving away ardent spirits or other intoxicating liquors to any child, apprentice or servant without the consent of his master, parent, guardian, master or mistress; to license and regulate the selling or giving away of any ardent spirits or other intoxicating liquors by any shop-keeper, trader, grocer, inn, hotel or tavern keeper, keeper of any ordinary, saloon, recess, victualling or other house, or by any other person, in case the selling or giving away of ardent spirits and other intoxicating liquors and licensing the sale thereof shall hereafter be authorized by the laws of this State.

Solicitors of
passengers
and baggage

43d. To license and regulate solicitors of passengers or for baggage for the benefit of any hotel, tavern, public house, boat or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibusses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amount and rates of their compensation.

Auction-
eers, hawk-
ers, ped-
dlers, &c.

44th. To license and regulate auctioneers, hawkers, pedlars and pawn-brokers, and regulate auctions, hawking, peddling and pawn-brokerage; license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever, by hand, hand-cart, show case, show-stand, or otherwise in the public streets.

Public exhi-
bitions.

45th. To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind.

Hotels and
other public
houses of
entertain-
ment.

46th. To license and regulate the keepers of hotels, taverns and other public houses, grocers and keepers of ordinaries, saloons and victualling and other houses or places for furnishing meals, food or drink.

Butchers
and pro-
vision deal-
ers

47th. To license and regulate butchers; to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths or stands at markets or any other place in said city, for the sale of any kind of meat, fish, poultry, vegetables, food, provisions.

Billiards
and pin
alleys.

48th. To license and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purposes of gaming.

Bath
houses.

49th. To license and regulate public bath houses or bath rooms, on

land, and any public floating bath houses, bath rooms or vessels on the Detroit river.

50th. To establish and regulate an efficient system of police for the Police. good government of said city; to appoint, on the recommendation of the mayor, or acting mayor, policemen and watchmen, who shall possess and exercise the same powers, as conservators of the peace, which township constables, under the general laws of this State, possess, and to prescribe and regulate their further powers and duties and fix their compensation. Said policemen and watchmen may be removed at any time by the common council on the recommendation of the mayor or [acting mayor.

51st. To appoint one or more inspectors, measurers, weighers and Inspectors, measurers, weighers and gaugers. gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation.

52d. To direct and regulate the weight and quantity of bread, the size Bread. of the loaf, and the inspecting thereof.

53d. To direct and regulate the inspecting and measuring of wood, Inspecting of wood and other articles. lumber, shingles, timber, posts, stones, heading, and all building materials; the inspecting, measuring and weighing of coke and all kinds of coal; the inspecting and weighing of hay; the inspecting of vegetables, fresh, dried, smoked, salted, pickled and other meat, or fish, poultry, butter, lard and other food or provisions to be sold at wholesale or retail; the inspecting and weighing of flour, meal, pork, beef and all other food or provisions, and salt, to be sold in half-barrels, barrels, casks, hogsheads, boxes or other packages; and the inspecting and gauging of oils, wines, whiskey and other spirituous liquors, to be sold at wholesale or retail, or in kegs, half-barrels, barrels, casks, hogsheads or other vessels: *Provided*, That nothing herein contained shall be construed to authorize the inspecting, measuring, weighing or gauging of any article herein enumerated, which is to shipped beyond the limits of this State, except at the request of the owner thereof or of the agent having charge of the same.

54th. To regulate the weights and measures to be used in said city Weights and measures. and compel every merchant, retailer, trader and dealer in merchandize, groceries, provisions or property of any description which is sold by measure or weight to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be

made conformable to the standard of weights and measures established by the general laws of this State.

Paupers.

55th. To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in vessels or in any other mode to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor.

Burial of
dead.

Registry of
births and
deaths.

56th. To provide for the burial of strangers and poor deceased persons; to regulate the burial of the dead and the registration of births and deaths, and to order and compel the keeping and returning of bills of mortality by physicians, sextons and others.

Census.

Public meet-
ings.

57th. To provide for taking a census of the inhabitants of said city, whenever the common council may see fit, and to direct and regulate the same; to provide for calling meetings of the inhabitants of said city by public notice thereof, fixing the time and place of meeting, and to regulate the ringing of bells.

Public
buildings.

58th. To erect and provide for the erection of a City Hall and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same.

Alms house
department.

59th. To establish, organize and maintain an alms house department, and to purchase the necessary grounds, erect and provide for erecting the necessary buildings therefor, either within or without the city limits.

Jails, work
houses and
houses of
correction.

60th. To establish and build jails, work houses and houses of correction for the confinement of offenders; to erect and provide for erecting the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same and of persons confined therein; to prescribe their powers and duties, and provide for their removal from office and the filling of vacancies.

Imprison-
ments.

61st. To imprison and confine in said jails, work houses and houses of correction, at hard labor or otherwise, all persons liable to be imprisoned or confined under this act or any ordinance of the common council, or lawfully committed thereto by any court or magistrate, as herein provided. Any court or magistrate in the city of Detroit or the county of Wayne, may commit to any work house or house of correction of said city, instead of the jail of Wayne county, any person convicted of an offence against the general laws of this State, now or hereafter punishable by imprisonment in the jail of Wayne county. Any court of com-

petent jurisdiction of the State of Michigan, may in i's discretion, commit any male under sixteen or female under fourteen years of age to any work house, or house of correction of said city, instead of the State prison, who shall be convicted of any crime now or hereafter punishable by imprisonment in the State prison, whenever, in the opinion of the court, the welfare of the³public and of the convict will be promoted thereby. All expenses attending the confinement of any person sentenced to be committed to any work house or house of correction of said city for any offence against the general laws of this State, now or hereafter punishable by imprisonment in the State prison, shall be paid by the State Treasurer, quarter yearly, on the certificate of the city comptroller that such expenses have been incurred. All expenses attending the confinement of any person sentenced to be committed to any work house or house of correction of said city, for any offence against the general laws of the State, now or hereafter not punishable by imprisonment in the State prison, shall be paid quarter-yearly by the treasurer of the county in which the offender was tried and convicted, upon the certificate of the city comptroller that such expenses have been incurred.

62d. To prescribe and regulate the speed of cars and engines on rail-roads within the limits of said city. Speed of cars and engines.

63d. To authorize the mayor to grant, issue and revoke the licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and the person receiving the same, shall, before the issuing thereof, execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The mayor may inquire into the sufficiency of the sureties in such bond by an examination under oath as to their property and responsibility, which oath may be administered by him. The depositions of the surety shall be reduced to writing, be signed by him, certified by the mayor, annexed to and filed with the bond to which it relates, in the office of the clerk of the city. Licenses.

64th. To assess, levy and collect taxes for the purposes of the corpora- Taxes.

Instructions
to jury by
court and
attorney.

shall then instruct said jury as to their duties and the law applicable to the case, and deliver to them a copy of the resolution of the common council, as filed in said court, certified by the clerk of said court; and the city attorney shall give said jury legal advice and counsel concerning their duties, whenever requested.

Jury to
view..

Sec. 10. The jury shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken and described in said resolution, or as the case may be, which will be damaged or benefited, if the intended improvement be made.

Duties of
jury.

Sec. 11. Said jury shall then ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, and if they shall find in the affirmative they shall next determine the just damages and compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by the intended improvement, and award to the owner or owners thereof such damages and compensation as they shall deem just. If such property shall be subject to a valid mortgage, lease and agreement, or to either, and such facts shall be made to appear to the jury, then said jury shall apportion and award to the owners of such property, the parties in interest to such mortgage, lease and agreement, or to either of them, such portions of the damages and compensation as they shall deem just; and in all cases where any such damages shall be awarded, except for the laying out, establishing, opening, widening, altering or vacating an alley or alleys, such damages shall be payable out of the city treasury, and the means therefor shall be raised from time to time, as may be necessary, with the general city taxes.

Certain
damages
payable out
of city
treasury.

Apportion-
ment of
damages
among lots
benefited.

Definition
of word
"Alley."
Of opening
alley.

Sec. 12. In cases of the laying out, establishing, opening, widening, altering or vacating an alley or alleys, said jury shall further proceed to apportion the total damages and compensation to be paid for the proposed improvement among the lots of land, premises or sub-divisions thereof, within the block in which the alley in question is situated, and which will be benefited by the proposed improvement, apportioning and assessing the same upon the said lots, premises or sub-divisions thereof, as near as may be in proportion as the same will be benefited by said improvement. The word "alley," as used in this chapter, shall be construed to mean only those ways or passages which bisect or divide the interior of a block. No alleys shall be opened except upon a petition

of the owners of a majority of the lots on the block or blocks, to be intersected thereby, and upon security being given to indemnify the city against the expenses of opening said alleys.

Sec. 13. Said jury, after completing the aforesaid duties, shall then make in writing and each shall sign the report to said court of their doings, enclose the same in a sealed envelope and file it in the office of the clerk of said court, within thirty days after they were sworn. ^{Report of jury.}

Sec. 14. In cases where said jury shall find such improvement to be necessary, they shall state in their report the just damages and compensation ascertained and awarded by them to the owner of any private property or to any person claiming an interest therein by virtue of any valid mortgage, lease or agreement to which such property may be subject, together with the names of such owner or claimant, if known, and a description of the property intended to be taken. In case any damages and compensation be awarded to any person claiming an interest in such property by virtue of a valid mortgage, lease or agreement to which property may be subject, it shall be sufficient to state further in such case the name of such claimant, the date of such mortgage, lease or agreement, or assignment thereof, if there be any, by virtue of which such claimant has an interest in the property intended to be taken. ^{Report; what to contain.}

Sec. 15. Said jury shall also, in the case provided by section twelve, state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises or sub-division thereof, which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same; and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Detroit in the case above provided for. ^{What further to contain.}

Sec. 16. Said report may be confirmed by said court at any term thereof, and the court shall appoint some day when it will consider said report and objections against the confirmation thereof on the part of all persons interested therein, whereof the city attorney shall give notice by publishing the same in the official daily newspaper of said city, and in one other daily newspaper published in said city, for six successive days, and he shall file in said court an affidavit of such publication before the time appointed for considering said report. Said objec- ^{Confirmation of report.}

Objections. tions shall be filed with the clerk in writing, but may be argued, and the consideration of said report and objections may be adjourned from time to time, until said report be confirmed or otherwise disposed of, as herein provided.

Report not to be annulled for matters of form. Sec. 17. Said report shall not be annulled for objections as to matters of form; all objections shall be objections of law and to matters of substance; but the damages and compensation to be paid to any person, or the portions thereof apportioned to and assessed upon any lot of land, premises or sub-division thereof, may be inquired into, if objected to as being excessively large or small.

If no objections filed, report to be confirmed. Sec. 18. If no objections be filed, said report shall be confirmed; but if objections be filed, said court, after considering the same, shall, in its discretion, confirm or annul said report, or may refer it back to the same jury for the purpose of reviewing all matters and correcting all errors therein contained, and making any alteration thereof which said court may direct or said jury may deem just or necessary; and thereon said jury shall review, correct or alter said report in manner aforesaid, and shall return and file the same with the clerk of said court, within five days after said report was referred back to them as aforesaid, and thereupon said court shall confirm or annul said report.

New jury to be summoned in certain cases. Sec. 19. If said report be annulled, or the jury cannot agree, or from death, sickness or any other cause, shall fail to make a report within the thirty days required above, the court may, on the application of the city attorney, designate some day in term when another jury may be had; and such jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and, when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them and by and in said court, as provided for above after the first jury is sworn.

Vacancies in jury; how supplied. Sec. 20. If any juror, after being sworn, shall die, or from sickness be unable to discharge his duties, the court may appoint another person to serve in his place, who shall be sworn and shall have the like qualifications, powers and duties as those already sworn.

Appeal. Sec. 21. Any person to whom damages and compensation may be awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed,

considering himself aggrieved, may appeal from the judgment of the recorder's court, confirming the report of the jury, to the supreme court, by filing in writing with the clerk of said recorder's court a notice of such appeal and specification of the errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specification of errors on the city attorney, and filing a bond in said recorder's court, to be approved by the recorder, conditioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant, in case the judgment of confirmation of the recorder's court be affirmed.

Notice of specifications of errors.

Bond on appeal. Condition.

Sec. 22. In case of appeal as above, it shall be the duty of the clerk of said recorder's court forthwith, or as soon as practicable, to transmit to the supreme court a certified copy of all the proceedings in the case, which may be filed in the office of any clerk of said court.

Return to appeal.

Sec. 23. The supreme court, at any term thereof, shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of the recorder's court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any errors, except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal and proceedings thereon to be taxed, and all costs and expenses awarded to the city of Detroit, in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant or appellants.

Duties of supreme court on appeal

Sec. 24. If there be a reversal for any errors, which it is practicable for the recorder's court or said jury to correct with due regard to the public interest and rights of individuals, the proceedings shall be remanded to said recorder's court, with direction that such error be corrected. Said recorder's court, at any term thereof, or (as the case may be) said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury shall be confirmed by said recorder's court, without any further right of appeal.

Remanding proceedings in certain cases.

Sec. 25. In every case of annulment of the report of the jury by the recorder's court, or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants. On filing a certified copy of said reso-

Common council may elect in certain cases to pay damages.

lution in the recorder's court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said recorder's court, as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect, as above provided, all the proceedings shall be null and void, and no further proceedings shall be had, except in a case of reversal, when the proceedings may have been remanded to the recorder's court for the correction of certain errors, in which case such errors shall be corrected and the report of the jury confirmed, as above provided.

Confirmation of report to be final.

Sec. 26. If the report of the jury be confirmed by the recorder's court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or sub-division thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Certified copy of proceedings to be filed and recorded.

Sec. 27. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the clerk of the recorder's court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the recorder's court and of the order of the court confirming the same; and the clerk shall file said certified copy in the office of the clerk of the city, who shall record the same at length in a book to be provided, used and known, as a book of street records. Such certified copy, such record, or a like copy made and certified by the clerk of the recorder's court, shall in all courts and places be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof, to the order of the court confirming the report of the jury.

Amounts to be paid to city treasurer.

Sec. 28. The amounts apportioned to and assessed upon all lots of land, premises or sub-divisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury as above provided, or in case the judgment of confirmation be affirmed by the supreme court, and may be collected, and said lots, premises or subdivisions thereof, may be sold therefor in the

same manner as in the case of collection or sale for assessments to pay the costs and expenses of paving streets.

Sec. 29. Within sixty days after the confirmation of the report of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed, or elected as above provided for to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person competent and entitled to receive it.

Damages to be paid or tendered in 60 days.

Damages to be deposited in certain cases with treasurer.

Sec. 30. Upon such payment, tender or deposit in the city treasury, the same shall become a public highway, and the common council may enter upon, take possession of and convert the same to the uses and purposes for which it has been taken; a certificate of the city treasurer of such tender, payment or deposit, or record thereof in the book of street records, or certified copy of such record, shall in all courts and places be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken in the city of Detroit, and of the right of the common council to take possession of and convert the same to the uses for which it has been taken.

Upon payment, tender or deposit, to become public highway.

Sec. 31. In all cases where any real estate, subject to any lease or agreement, shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease; determine and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation by the supreme court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged only as to such part; and the recorder's court, on application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter

Upon confirmation of report, stipulations in lease or agreements to cease.

Commissioners to apportion rents in certain cases.

Duties of
commis-
sioners.

to be performed under such lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report, in writing, of their doings to said court, which shall be filed therein within thirty days after their appointment, and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement.

Compensa-
tion of jury.

Sec. 32. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in said recorder's court, at any time before the final confirmation of the report of the jury.

Common
council may
abandon
proceedings.

Board of
commis-
sioners on
the plan of
the city.

Sec. 33. For the purpose of introducing a greater uniformity in the laying out the land in said city into public streets and blocks, and to restrain persons from laying out such streets and blocks in a manner prejudicial to the interests of the city, there shall be constituted a board of commissioners upon the plan of the city, consisting of three persons, to be appointed by the common council on the nomination of the mayor; and no land within the limits of said city shall be laid out into blocks and public streets without the consent and approval of a majority of said commissioners, in writing, entered upon a plan of said land so laid out, which plan, duly acknowledged and with said approval in writing thereon endorsed, shall be recorded in the register's office for the county of Wayne: *Provided however*, In cases where a parcel of land lies between parcels of land duly laid out by plats now on record, whose streets do not correspond in direction or size, the power of control shall not be so exercised over the platting of such intermediate parcel, in order to produce such correspondence, as to essentially diminish their value.

Land not to
be laid out
into blocks
and streets
without
consent of
commis-
sioners.

Proviso.

Clerk of
board.

Plans to be
deposited
with clerk.

Sec. 34. The city clerk shall act as the clerk of said board, and plans for the approval of said commissioners may be deposited with said clerk, for their action thereon, and if approved, a copy thereof shall be filed with said clerk, by the person making or laying out the same.

Plans not
acknowledg-
ed and re-
corded to be
of no validi-

Sec. 35. Any plans for laying out into public streets and blocks, now existing in said city, and not acknowledged and recorded according to

same manner as in the case of collection or sale for assessments to pay the costs and expenses of paving streets.

Sec. 29. Within sixty days after the confirmation of the report of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed, or elected as above provided for to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person competent and entitled to receive it.

Damages to be paid or tendered in 60 days.

Damages to be deposited in certain cases with treasurer.

Sec. 30. Upon such payment, tender or deposit in the city treasury, the same shall become a public highway, and the common council may enter upon, take possession of and convert the same to the uses and purposes for which it has been taken; a certificate of the city treasurer of such tender, payment or deposit, or record thereof in the book of street records, or certified copy of such record, shall in all courts and places be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken in the city of Detroit, and of the right of the common council to take possession of and convert the same to the uses for which it has been taken.

Upon payment, tender or deposit, to become public highway.

Sec. 31. In all cases where any real estate, subject to any lease or agreement, shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation by the supreme court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged only as to such part; and the recorder's court, on application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter

Upon confirmation of report, stipulations in lease or agreements to cease.

Commissioners to apportion rents in certain cases.

Street paving fund.

11th. Street paving fund, to defray the expenses of grading, paving and graveling, McAdamizing or planking highways, streets, alleys, sidewalks, and cross-walks in front of or adjacent to private property, and of putting curb-stones and culverts therein.

Public building fund.

12th. Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for; which fund shall from time to time, be divided into special building funds, to defray the expenses of erecting, repairing and preserving the particular building or buildings for which such special building funds may be constituted or raised.

Recorder's court fund.

13th. Recorder's court fund, to maintain the recorder's court.

Other funds.

14th. Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from any of the funds above constituted or raised.

Common council may collect taxes for certain funds.

Sec. 2. The common council shall have power annually to levy, assess and collect taxes, not exceeding one per cent. on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses, and for the purposes for which the general fund, contingent fund, fire department fund, poor fund, general road fund and recorder's court fund are constituted as above.

For district road fund.

Sec. 3. The common council shall also have power annually to levy, assess and collect taxes on the assessed value of all real and personal estate in each ward of said city, made taxable by the laws of this State, in order to defray the expenses, and for the purposes for which the district road fund is constituted as above: *Provided*, That such taxes shall not exceed, in amount, the rates of township, road or highway taxes, as now or hereafter established by the laws of this State.

For sewer fund.

Sec. 4. The common council shall also have power annually to levy, assess and collect taxes, not exceeding thirty thousand dollars, on the assessed value of all real and personal estate in said city made taxable by the laws of this State, in order to defray the expenses of constructing sewers, and for the purposes for which the sewer fund is constituted as above.

Sec. 5. Before any taxes shall be levied, as aforesaid, for the purposes

of the general fund, contingent fund, general road fund, street opening fund, district road fund, fire department fund, poor fund, sewer fund, and recorder's court fund, the comptroller shall present to the common council, in writing, his estimate of the amount of taxes, which, in his opinion, it may be necessary to raise for the ensuing year, for the purposes of said funds; shall state therein the amount estimated for the purposes of each of said funds, and also an estimate of the entire proposed expenditures for said year, whether the same is to be raised by tax, by loan or by special assessment, and said estimate shall be published in the official paper of the city, and shall, at the same time, give to the common council any information in his power, and which they may request, concerning the finances of said city. The common council, after revising or altering said estimate, but not so as to exceed the aggregate taxes hereby authorized to be levied, shall direct the mayor, or acting mayor, to call a public meeting of the citizens of said city, to take into consideration the taxes proposed to be raised and specified in said estimate, by publishing notice thereof in one or more daily newspapers published in said city, for not less than three successive days, and posting the same in conspicuous places in said city, at least three days prior to the time of the meeting, which notice shall contain the substance of said estimate. Said meeting shall transact the business for which it was called. If a majority of the citizens present shall consent to the levying of the taxes specified in said estimate, then the common council shall proceed to levy, assess and collect the same, or such part thereof as may have been consented to; but if said meeting shall not consent to the levying of said taxes, the said common council may call a second meeting of said citizens in the same manner, and which shall have the same powers as the first meeting herein before provided for.

Comptroller
to present
estimate.

Public meet-
ing to vote
taxes.

Second
meeting.

Sec. 6. The common council shall annually levy, assess and collect, on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for the purposes of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued or to accrue on the funded debt of said city, for the year for which such taxes are levied; and also taxes not less than five nor more than ten thousand dollars, for the purposes of the sinking fund.

Taxes for
interest
fund.

Sec. 7. The common council shall also have power annually to levy, assess and collect a tax or assessment on all lots, premises and sub-divis-

Specific tax
on cellars
and premis-
es.

ions thereof, drained by private sewers or drains, leading into or connected with any public sewer or drain, which tax shall be one dollar and fifty cents on every lot, premises or sub-division thereof having a cellar, fifty cents if there be no cellar thereon, and such sums as the common council may fix for all lots and establishments drained as aforesaid, and requiring an unusual or extraordinary amount of drainage. Said tax or assessment shall be credited to the sewer fund, and applied to the repairing of sewers and drains, and if the same be more than is required for such purpose, the surplus may be applied to the construction of sewers and drains.

Taxes for
grading,
paving, &c.

Sec. 8. The common council shall also have power from time to time to levy, assess and collect a tax or assessment on all lots, premises or sub-divisions thereof, sufficient to defray the expenses of grading and paving, graveling, McAdamizing or planking any highway, avenue, street, lane, alley or cross-walk in said city, in front of or adjacent to such lots, premises, or sub-divisions thereof, and of putting curb-stones and culverts therein, which tax or assessment shall be credited to the street paving fund: *Provided, however,* That such tax or assessment shall not, in any one year, exceed, in the aggregate, the sum of fifty thousand dollars; such grading, paving, graveling, McAdamizing, planking and putting in of curb-stones and culverts shall be commenced and completed, and all contracts therefor shall require the same to be commenced and completed within the seven months next preceding the first day of December.

Loans for
public
building
fund.

Sec. 9. The common council shall also have power to provide money for the public building fund, by loaning upon the faith and credit of said city, and upon the best terms that can be made, a sum of money not exceeding three hundred thousand dollars, and to issue the bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest; but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "public building stock of the city of Detroit," shall be regularly dated and numbered in the order of their issuance, shall be for sums not less than five hundred dollars each, shall bear interest not exceeding seven per cent. per annum, shall be payable in not less than twenty years from date, shall be issued under the seal of the corporation, signed by the mayor, and countersigned by the comptroller. The

comptroller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid to the treasurer, and be credited to the public building fund, and applied exclusively to the purposes for which said fund is constituted as above; but the common council shall not expend for the purposes of said public building fund in any one year more than fifty thousand dollars, nor issue in any one year a greater amount of said bonds than to the amount of fifty thousand dollars.

Sec. 10. No contract shall be let or entered into for labor or materials to be employed in the construction of a city hall, building for the use of the officers of the corporation, alms house, jail, work house, house of correction, or market building, exceeding in amount fifty thousand dollars in any one year; and no bonds shall be issued as aforesaid for the purposes of the public building fund, until a public meeting of the citizens of said city shall have been called and held to consider the subject of constructing a public building for such purpose; as the common council may propose, which meeting shall be called and may be held in the manner above prescribed for calling and holding a meeting in relation to the levying of taxes. The common council shall cause to be presented to said meeting, by the comptroller, an estimate of the necessary cost of purchasing the necessary real estate for the erection thereon of any building, and expense of the building proposed to be constructed. If a majority of the citizens present shall consent to the purchase of such real estate and the construction of a building for the purpose proposed, and to the estimate presented, or any part thereof, the common council shall then be authorized to contract for the purchase of such real estate, and for the construction of said building, at a cost and expense not exceeding, in amount, the estimate or part thereof thus consented to, and to expend thereon, borrow money and issue bonds as above provided, not exceeding fifty thousand dollars in any one year, nor exceeding the estimated cost and expense or part thereof consented to as aforesaid.

No contract to be let for construction of public buildings to exceed \$50,000 in any one year.
No bonds to be issued for public building fund without consent of public meeting.

Sec. 11. No contract shall be let or entered into for the construction of any public work within said city, not herein otherwise provided for; and no such public work shall be commenced until it shall have been approved by the common council, and a tax or assessment levied to de-

No contract to be let for construction of public work not herein provided for.

fray the cost and expense thereof; and no such public work shall be paid for or contracted to be paid for, except out of the proceeds of the tax or assessment thus levied.

No contract
for over
\$200, to be
let except to
lowest bid-
der.

Sec. 12. No contract for the purchase of any real estate, or for the construction of any public building, sewer, paving, graveling, planking, McAdamizing, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing, or supplies for said corporation, if the purchase of said real estate or the expense of such construction, repair, work, materials or supplies shall exceed two hundred dollars, shall be let or entered into except to and with the lowest responsible bidder with adequate security, and as to such work or materials requiring mechanical skill to and with practical mechanics, and as to such other work, supplies or materials not requiring mechanical skill to and with such persons as shall be deemed competent for the performance of any such contract, and not until advertised proposals and specifications therefor shall have been duly published in at least one daily newspaper published in said city, and for such period as the common council shall prescribe; and no bids shall be accepted from, or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is a defaulter as security or otherwise upon any obligation to the corporation, or who shall be in other respects disqualified, according to the provisions of this act.

Evidence of
debt; for
what issued.

Sec. 13. No loan, bond or other evidence of debt, not expressly authorized by this act or any act hereby continued in force, shall be made or issued by the common council or any officer of the corporation: *Provided, however,* That the common council may issue new bonds for the refunding of bonds and evidences of debt already issued; and the proper officer of the corporation may draw and issue orders on the treasurer for the necessary and current expenses of the city.

Common
council may
authorize
comptroller
to borrow
money

Sec. 14. The common council shall not have authority to borrow, except as herein before provided, any sums of money whatever on the credit of the corporation, but may authorize the comptroller to borrow, from time to time, on such credit, in anticipation of the revenues of the corporation for the current fiscal year, and not to exceed such revenues in amount, such sums as may be necessary to meet the expenditures under the appropriations for the current fiscal year.

New bonds;

Sec. 15. All new bonds, issued for the refunding of bonds and

evidences of debt before issued, shall show the class of indebtedness to which they belong; be issued on the best terms that can be made; be regularly dated and numbered in the order of their issuance; shall be for sums not less than five hundred dollars each; shall be issued under the seal of the corporation, signed by the mayor and countersigned by the comptroller. The comptroller shall keep an accurate record, showing the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued, and showing also what bonds or evidences of debt have been thereby refunded.

what to show and how issued, comptroller to keep record.

Sec. 16. All bonds and evidences of debt, when refunded, shall be cancelled and destroyed by the treasurer, in the presence of the comptroller and a special committee of the common council appointed for the purpose. He shall record and keep an accurate description of all bonds and evidences of debt thus cancelled and destroyed.

Refunded bonds to be cancelled and destroyed.

Sec. 17. All bonds and evidences of debt issued, and all contracts made or entered into contrary to or not authorized by the provisions of this act, shall be absolutely void. The common council shall incur no expenses, and create or pay no debt or liability contrary to or not authorized by the provisions of this act, and shall not appropriate or use the property or moneys of the corporation, except as authorized by and in pursuance of law.

Bonds, &c., issued contrary to this act, void.

Sec. 18. No claim or demand against the corporation shall be allowed or paid, or warrant on the treasury issued therefor, if the same be contrary to or is not authorized by law; and no additional allowance beyond the legal claim under any contract with the corporation or for any service on its account or in its employment, shall be allowed; no warrant on the treasury shall be drawn for any claim or demand, for the payment of which there is no money in the treasury raised or received for such purpose, or after the fund constituted and raised therefor has been exhausted by warrants previously drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for, and to be paid out of such fund.

Claims not authorized by law, not to be allowed.

No warrant to be drawn when there is no money in treasury.

Sec. 19. No moneys shall be paid out of the treasury except upon a warrant signed by the comptroller and approved or authorized by the common council in pursuance of law; such warrant shall specify the purpose for which the amount thereof is to be paid, with sufficient clear-

No money to be paid from treasury except upon warrant.

What war-

Instructions to jury by court and attorney. shall then instruct said jury as to their duties and the law applicable to the case, and deliver to them a copy of the resolution of the common council, as filed in said court, certified by the clerk of said court; and the city attorney shall give said jury legal advice and counsel concerning their duties, whenever requested.

Jury to view.. Sec. 10. The jury shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken and described in said resolution, or as the case may be, which will be damaged or benefited, if the intended improvement be made.

Duties of jury. Sec. 11. Said jury shall then ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, and if they shall find in the affirmative they shall next determine the just damages and compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by the intended improvement, and award to the owner or owners thereof such damages and compensation as they shall deem just. If such property shall be subject to a valid mortgage, lease and agreement, or to either, and such facts shall be made to appear to the jury, then said jury shall apportion and award to the owners of such property, the parties in interest to such mortgage, lease and agreement, or to either of them, such portions of the damages and compensation as they shall deem just; and in all cases where any such damages shall be awarded, except for the laying out, establishing, opening, widening, altering or vacating an alley or alleys, such damages shall be payable out of the city treasury, and the means therefor shall be raised from time to time, as may be necessary, with the general city taxes.

Certain damages payable out of city treasury.

Apportionment of damages among lots benefited.

Definition of word "Alley."
Of opening alley.

Sec. 12. In cases of the laying out, establishing, opening, widening, altering or vacating an alley or alleys, said jury shall further proceed to apportion the total damages and compensation to be paid for the proposed improvement among the lots of land, premises or sub-divisions thereof, within the block in which the alley in question is situated, and which will be benefited by the proposed improvement, apportioning and assessing the same upon the said lots, premises or sub-divisions thereof, as near as may be in proportion as the same will be benefited by said improvement. The word "alley," as used in this chapter, shall be construed to mean only those ways or passages which bisect or divide the interior of a block. No alleys shall be opened except upon a petition

of the owners of a majority of the lots on the block or blocks, to be intersected thereby, and upon security being given to indemnify the city against the expenses of opening said alleys.

Sec. 13. Said jury, after completing the aforesaid duties, shall then make in writing and each shall sign the report to said court of their doings, enclose the same in a sealed envelope and file it in the office of the clerk of said court, within thirty days after they were sworn. ^{Report of jury.}

Sec. 14. In cases where said jury shall find such improvement to be necessary, they shall state in their report the just damages and compensation ascertained and awarded by them to the owner of any private property or to any person claiming an interest therein by virtue of any valid mortgage, lease or agreement to which such property may be subject, together with the names of such owner or claimant, if known, and a description of the property intended to be taken. In case any damages and compensation be awarded to any person claiming an interest in such property by virtue of a valid mortgage, lease or agreement to which property may be subject, it shall be sufficient to state further in such case the name of such claimant, the date of such mortgage, lease or agreement, or assignment thereof, if there be any, by virtue of which such claimant has an interest in the property intended to be taken. ^{Report; what to contain.}

Sec. 15. Said jury shall also, in the case provided by section twelve, state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises or sub-division thereof, which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same; and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Detroit in the case above provided for. ^{What further to contain.}

Sec. 16. Said report may be confirmed by said court at any term thereof, and the court shall appoint some day when it will consider said report and objections against the confirmation thereof on the part of all persons interested therein, whereof the city attorney shall give notice by publishing the same in the official daily newspaper of said city, and in one other daily newspaper published in said city, for six successive days, and he shall file in said court an affidavit of such publication before the time appointed for considering said report. Said objec- ^{Confirmation of report.}

Objections. tions shall be filed with the clerk in writing, but may be argued, and the consideration of said report and objections may be adjourned from time to time, until said report be confirmed or otherwise disposed of, as herein provided.

Report not to be annulled for matters of form.

Sec. 17. Said report shall not be annulled for objections as to matters of form; all objections shall be objections of law and to matters of substance; but the damages and compensation to be paid to any person, or the portions thereof apportioned to and assessed upon any lot of land, premises or sub-division thereof, may be inquired into, if objected to as being excessively large or small.

If no objections filed, report to be confirmed.

Proceedings if objections are filed.

Sec. 18. If no objections be filed, said report shall be confirmed; but if objections be filed, said court, after considering the same, shall, in its discretion, confirm or annul said report, or may refer it back to the same jury for the purpose of reviewing all matters and correcting all errors therein contained, and making any alteration thereof which said court may direct or said jury may deem just or necessary; and thereon said jury shall review, correct or alter said report in manner aforesaid, and shall return and file the same with the clerk of said court, within five days after said report was referred back to them as aforesaid, and thereupon said court shall confirm or annul said report.

New jury to be summoned in certain cases.

Sec. 19. If said report be annulled, or the jury cannot agree, or from death, sickness or any other cause, shall fail to make a report within the thirty days required above, the court may, on the application of the city attorney, designate some day in term when another jury may be had; and such jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and, when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them and by and in said court, as provided for above after the first jury is sworn.

Vacancies in jury; how supplied.

Sec. 20. If any juror, after being sworn, shall die, or from sickness be unable to discharge his duties, the court may appoint another person to serve in his place, who shall be sworn and shall have the like qualifications, powers and duties as those already sworn.

Appeal.

Sec. 21. Any person to whom damages and compensation may be awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed,

considering himself aggrieved, may appeal from the judgment of the recorder's court, confirming the report of the jury, to the supreme court, by filing in writing with the clerk of said recorder's court a notice of such appeal and specification of the errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specification of errors on the city attorney, and filing a bond in said recorder's court, to be approved by the recorder, conditioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant, in case the judgment of confirmation of the recorder's court be affirmed.

Notice of specifications of errors.

Bond on appeal. Condition.

Sec. 22. In case of appeal as above, it shall be the duty of the clerk of said recorder's court forthwith, or as soon as practicable, to transmit to the supreme court a certified copy of all the proceedings in the case, which may be filed in the office of any clerk of said court.

Return to appeal.

Sec. 23. The supreme court, at any term thereof, shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of the recorder's court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any errors, except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal and proceedings thereon to be taxed, and all costs and expenses awarded to the city of Detroit, in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant or appellants.

Duties of supreme court on appeal

Sec. 24. If there be a reversal for any errors, which it is practicable for the recorder's court or said jury to correct with due regard to the public interest and rights of individuals, the proceedings shall be remanded to said recorder's court, with direction that such error be corrected. Said recorder's court, at any term thereof, or (as the case may be) said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury shall be confirmed by said recorder's court, without any further right of appeal.

Remanding proceedings in certain cases.

Sec. 25. In every case of annulment of the report of the jury by the recorder's court, or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants. On filing a certified copy of said reso-

Common council may elect in certain cases to pay damages.

lution in the recorder's court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said recorder's court, as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect, as above provided, all the proceedings shall be null and void, and no further proceedings shall be had, except in a case of reversal, when the proceedings may have been remanded to the recorder's court for the correction of certain errors, in which case such errors shall be corrected and the report of the jury confirmed, as above provided.

Confirma-
tion of re-
port to be
final.

Sec. 26. If the report of the jury be confirmed by the recorder's court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or sub-division thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Certified
copy of pro-
ceedings to
be filed and
recorded.

Sec. 27. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the clerk of the recorder's court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the recorder's court and of the order of the court confirming the same; and the clerk shall file said certified copy in the office of the clerk of the city, who shall record the same at length in a book to be provided, used and known, as a book of street records. Such certified copy, such record, or a like copy made and certified by the clerk of the recorder's court, shall in all courts and places be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof, to the order of the court confirming the report of the jury.

Amounts to
be paid to
city treas-
urer.

Sec. 28. The amounts apportioned to and assessed upon all lots of land, premises or sub-divisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury as above provided, or in case the judgment of confirmation be affirmed by the supreme court, and may be collected, and said lots, premises or subdivisions thereof, may be sold therefor in the

same manner as in the case of collection or sale for assessments to pay the costs and expenses of paving streets.

Sec. 29. Within sixty days after the confirmation of the report of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed, or elected as above provided for to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person competent and entitled to receive it.

Damages to be paid or tendered in 60 days.

Damages to be deposited in certain cases with treasurer.

Sec. 30. Upon such payment, tender or deposit in the city treasury, the same shall become a public highway, and the common council may enter upon, take possession of and convert the same to the uses and purposes for which it has been taken; a certificate of the city treasurer of such tender, payment or deposit, or record thereof in the book of street records, or certified copy of such record, shall in all courts and places be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken in the city of Detroit, and of the right of the common council to take possession of and convert the same to the uses for which it has been taken.

Upon payment, tender or deposit, to become public highway.

Sec. 31. In all cases where any real estate, subject to any lease or agreement, shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation by the supreme court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged only as to such part; and the recorder's court, on application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter

Upon confirmation of report, stipulations in lease or agreements to cease.

Commissioners to apportion rents in certain cases.

Duties of
commis-
sioners.

to be performed under such lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report, in writing, of their doings to said court, which shall be filed therein within thirty days after their appointment, and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement.

Compensa-
tion of jury.

Sec. 32. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in said recorder's court, at any time before the final confirmation of the report of the jury.

Common
council may
abandon
proceedings.

Board of
commis-
sioners on
the plan of
the city.

Sec. 33. For the purpose of introducing a greater uniformity in the laying out the land in said city into public streets and blocks, and to restrain persons from laying out such streets and blocks in a manner prejudicial to the interests of the city, there shall be constituted a board of commissioners upon the plan of the city, consisting of three persons, to be appointed by the common council on the nomination of the mayor; and no land within the limits of said city shall be laid out into blocks and public streets without the consent and approval of a majority of said commissioners, in writing, entered upon a plan of said land so laid out, which plan, duly acknowledged and with said approval in writing thereon endorsed, shall be recorded in the register's office for the county of Wayne: *Provided however*, In cases where a parcel of land lies between parcels of land duly laid out by plats now on record, whose streets do not correspond in direction or size, the power of control shall not be so exercised over the platting of such intermediate parcel, in order to produce such correspondence, as to essentially diminish their value.

Land not to
be laid out
into blocks
and streets
without
consent of
commis-
sioners.

Proviso.

Clerk of
board.

Plans to be
deposited
with clerk.

Sec. 34. The city clerk shall act as the clerk of said board, and plans for the approval of said commissioners may be deposited with said clerk, for their action thereon, and if approved, a copy thereof shall be filed with said clerk, by the person making or laying out the same.

Plans not
acknowledg-
ed and re-
corded to be
of no validi-

Sec. 35. Any plans for laying out into public streets and blocks, now existing in said city, and not acknowledged and recorded according to

law, shall be of no validity until they receive the approval of said commissioners, as herein before provided.

ty without approval of commissioners.

Sec. 36. If a vacancy occurs in the office of said commissioners, or either of them, it may be filled by the common council, on the nomination of the mayor.

Vacancies in board of commissioners filled by common council.

Sec. 37. Said commissioners shall receive no compensation for their services.

Commissioners to receive no compensation.

CHAPTER VIII.

TAXATION AND FINANCE.

Sec. 1. The revenues and moneys of the corporation shall be divided into the following funds, viz:

Funds.

1st. General fund, which shall be appropriated to defray the expenses of the city of Detroit, for the payment of which out of some other fund, no provision is herein made.

General fund.

2d. Contingent fund, to defray the contingent expenses of said city.

Contingent fund.

3d. Interest fund, to pay the interest on the funded debt of said city.

Interest fund.

4th. Sinking fund, to pay the funded debt of said city.

Sinking fund.

5th. Fire department fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of said city.

Fire department fund.

6th. Poor fund, to defray the expenses of providing for and taking care of the poor of said city.

Poor fund.

7th. General road fund, to defray the expenses of repairing paved streets and alleys, and of grading, paving and improving the highways, streets and alleys of said city, in front of or adjacent to the property of the corporation.

General road fund.

8th. District road fund for each ward of the city, to defray the expenses of working, repairing, cleaning and improving the highways, streets and alleys in the ward for which such district road fund is constituted and raised.

District road fund.

9th. Sewer fund, to defray the expenses of constructing sewers in said city.

Sewer fund.

10th. A street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending or abolishing any highways, streets or avenues in said city, under the provisions of chapter 7 of this act.

Street opening fund.

Street paving fund.

11th. Street paving fund, to defray the expenses of grading, paving and graveling, McAdamizing or planking highways, streets, alleys, sidewalks, and cross-walks in front of or adjacent to private property, and of putting curb-stones and culverts therein.

Public building fund.

12th. Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for; which fund shall from time to time, be divided into special building funds, to defray the expenses of erecting, repairing and preserving the particular building or buildings for which such special building funds may be constituted or raised.

Recorder's court fund.

13th. Recorder's court fund, to maintain the recorder's court.

Other funds.

14th. Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from any of the funds above constituted or raised.

Common council may collect taxes for certain funds.

Sec. 2. The common council shall have power annually to levy, assess and collect taxes, not exceeding one per cent. on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses, and for the purposes for which the general fund, contingent fund, fire department fund, poor fund, general road fund and recorder's court fund are constituted as above.

For district road fund.

Sec. 3. The common council shall also have power annually to levy, assess and collect taxes on the assessed value of all real and personal estate in each ward of said city, made taxable by the laws of this State, in order to defray the expenses, and for the purposes for which the district road fund is constituted as above: *Provided*, That such taxes shall not exceed, in amount, the rates of township, road or highway taxes, as now or hereafter established by the laws of this State.

For sewer fund.

Sec. 4. The common council shall also have power annually to levy, assess and collect taxes, not exceeding thirty thousand dollars, on the assessed value of all real and personal estate in said city made taxable by the laws of this State, in order to defray the expenses of constructing sewers, and for the purposes for which the sewer fund is constituted as above.

Sec. 5. Before any taxes shall be levied, as aforesaid, for the purposes

of the general fund, contingent fund, general road fund, street opening fund, district road fund, fire department fund, poor fund, sewer fund, and recorder's court fund, the comptroller shall present to the common council, in writing, his estimate of the amount of taxes, which, in his opinion, it may be necessary to raise for the ensuing year, for the purposes of said funds; shall state therein the amount estimated for the purposes of each of said funds, and also an estimate of the entire proposed expenditures for said year, whether the same is to be raised by tax, by loan or by special assessment, and said estimate shall be published in the official paper of the city, and shall, at the same time, give to the common council any information in his power, and which they may request, concerning the finances of said city. The common council, after revising or altering said estimate, but not so as to exceed the aggregate taxes hereby authorized to be levied, shall direct the mayor, or acting mayor, to call a public meeting of the citizens of said city, to take into consideration the taxes proposed to be raised and specified in said estimate, by publishing notice thereof in one or more daily newspapers published in said city, for not less than three successive days, and posting the same in conspicuous places in said city, at least three days prior to the time of the meeting, which notice shall contain the substance of said estimate. Said meeting shall transact the business for which it was called. If a majority of the citizens present shall consent to the levying of the taxes specified in said estimate, then the common council shall proceed to levy, assess and collect the same, or such part thereof as may have been consented to; but if said meeting shall not consent to the levying of said taxes, the said common council may call a second meeting of said citizens in the same manner, and which shall have the same powers as the first meeting herein before provided for.

Comptroller
to present
estimate.

Public meet-
ing to vote
taxes.

Second
meeting.

Sec. 6. The common council shall annually levy, assess and collect, on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for the purposes of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued or to accrue on the funded debt of said city, for the year for which such taxes are levied; and also taxes not less than five nor more than ten thousand dollars, for the purposes of the sinking fund.

Taxes for
interest
fund.

Sec. 7. The common council shall also have power annually to levy, assess and collect a tax or assessment on all lots, premises and sub-divis-

Specific tax
on cellars
and premis-
es.

ions thereof, drained by private sewers or drains, leading into or connected with any public sewer or drain, which tax shall be one dollar and fifty cents on every lot, premises or sub-division thereof having a cellar, fifty cents if there be no cellar thereon, and such sums as the common council may fix for all lots and establishments drained as aforesaid, and requiring an unusual or extraordinary amount of drainage. Said tax or assessment shall be credited to the sewer fund, and applied to the repairing of sewers and drains, and if the same be more than is required for such purpose, the surplus may be applied to the construction of sewers and drains.

Taxes for
grading,
paving, &c.

Sec. 8. The common council shall also have power from time to time to levy, assess and collect a tax or assessment on all lots, premises or sub-divisions thereof, sufficient to defray the expenses of grading and paving, graveling, McAdamizing or planking any highway, avenue, street, lane, alley or cross-walk in said city, in front of or adjacent to such lots, premises, or sub-divisions thereof, and of putting curb-stones and culverts therein, which tax or assessment shall be credited to the street paving fund: *Provided, however,* That such tax or assessment shall not, in any one year, exceed, in the aggregate, the sum of fifty thousand dollars; such grading, paving, graveling, McAdamizing, planking and putting in of curb-stones and culverts shall be commenced and completed, and all contracts therefor shall require the same to be commenced and completed within the seven months next preceding the first day of December.

Loans for
public
building
fund.

Sec. 9. The common council shall also have power to provide money for the public building fund, by loaning upon the faith and credit of said city, and upon the best terms that can be made, a sum of money not exceeding three hundred thousand dollars, and to issue the bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest; but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "public building stock of the city of Detroit," shall be regularly dated and numbered in the order of their issuance, shall be for sums not less than five hundred dollars each, shall bear interest not exceeding seven per cent. per annum, shall be payable in not less than twenty years from date, shall be issued under the seal of the corporation, signed by the mayor, and countersigned by the comptroller. The

comptroller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid to the treasurer, and be credited to the public building fund, and applied exclusively to the purposes for which said fund is constituted as above; but the common council shall not expend for the purposes of said public building fund in any one year more than fifty thousand dollars, nor issue in any one year a greater amount of said bonds than to the amount of fifty thousand dollars.

Sec. 10. No contract shall be let or entered into for labor or materials to be employed in the construction of a city hall, building for the use of the officers of the corporation, alms house, jail, work house, house of correction, or market building, exceeding in amount fifty thousand dollars in any one year; and no bonds shall be issued as aforesaid for the purposes of the public building fund, until a public meeting of the citizens of said city shall have been called and held to consider the subject of constructing a public building for such purpose; as the common council may propose, which meeting shall be called and may be held in the manner above prescribed for calling and holding a meeting in relation to the levying of taxes. The common council shall cause to be presented to said meeting, by the comptroller, an estimate of the necessary cost of purchasing the necessary real estate for the erection thereon of any building, and expense of the building proposed to be constructed. If a majority of the citizens present shall consent to the purchase of such real estate and the construction of a building for the purpose proposed, and to the estimate presented, or any part thereof, the common council shall then be authorized to contract for the purchase of such real estate, and for the construction of said building, at a cost and expense not exceeding, in amount, the estimate or part thereof thus consented to, and to expend thereon, borrow money and issue bonds as above provided, not exceeding fifty thousand dollars in any one year, nor exceeding the estimated cost and expense or part thereof consented to as aforesaid.

No contract to be let for construction of public buildings to exceed \$50,000 in any one year.

No bonds to be issued for public building fund without consent of public meeting.

Sec. 11. No contract shall be let or entered into for the construction of any public work within said city, not herein otherwise provided for; and no such public work shall be commenced until it shall have been approved by the common council, and a tax or assessment levied to de-

No contract to be let for construction of public work not herein provided for.

fray the cost and expense thereof; and no such public work shall be paid for or contracted to be paid for, except out of the proceeds of the tax or assessment thus levied.

No contract
for over
\$200, to be
let except to
lowest bid-
der.

Sec. 12. No contract for the purchase of any real estate, or for the construction of any public building, sewer, paving, graveling, planking, McAdamizing, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing, or supplies for said corporation, if the purchase of said real estate or the expense of such construction, repair, work, materials or supplies shall exceed two hundred dollars, shall be let or entered into except to and with the lowest responsible bidder with adequate security, and as to such work or materials requiring mechanical skill to and with practical mechanics, and as to such other work, supplies or materials not requiring mechanical skill to and with such persons as shall be deemed competent for the performance of any such contract, and not until advertised proposals and specifications therefor shall have been duly published in at least one daily newspaper published in said city, and for such period as the common council shall prescribe; and no bids shall be accepted from, or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is a defaulter as security or otherwise upon any obligation to the corporation, or who shall be in other respects disqualified, according to the provisions of this act.

Evidence of
debt; for
what issued.

Sec. 13. No loan, bond or other evidence of debt, not expressly authorized by this act or any act hereby continued in force, shall be made or issued by the common council or any officer of the corporation: *Provided, however,* That the common council may issue new bonds for the refunding of bonds and evidences of debt already issued; and the proper officer of the corporation may draw and issue orders on the treasurer for the necessary and current expenses of the city.

Common
council may
authorize
comptroller
to borrow
money.

Sec. 14. The common council shall not have authority to borrow, except as herein before provided, any sums of money whatever on the credit of the corporation, but may authorize the comptroller to borrow, from time to time, on such credit, in anticipation of the revenues of the corporation for the current fiscal year, and not to exceed such revenues in amount, such sums as may be necessary to meet the expenditures under the appropriations for the current fiscal year.

New bonds;

Sec. 15. All new bonds, issued for the refunding of bonds and

evidences of debt before issued, shall show the class of indebtedness to which they belong; be issued on the best terms that can be made; be regularly dated and numbered in the order of their issuance; shall be for sums not less than five hundred dollars each; shall be issued under the seal of the corporation, signed by the mayor and countersigned by the comptroller. The comptroller shall keep an accurate record, showing the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued, and showing also what bonds or evidences of debt have been thereby refunded.

Sec. 16. All bonds and evidences of debt, when refunded, shall be cancelled and destroyed by the treasurer, in the presence of the comptroller and a special committee of the common council appointed for the purpose. He shall record and keep an accurate description of all bonds and evidences of debt thus cancelled and destroyed.

Sec. 17. All bonds and evidences of debt issued, and all contracts made or entered into contrary to or not authorized by the provisions of this act, shall be absolutely void. The common council shall incur no expenses, and create or pay no debt or liability contrary to or not authorized by the provisions of this act, and shall not appropriate or use the property or moneys of the corporation, except as authorized by and in pursuance of law.

Sec. 18. No claim or demand against the corporation shall be allowed or paid, or warrant on the treasury issued therefor, if the same be contrary to or is not authorized by law; and no additional allowance beyond the legal claim under any contract with the corporation or for any service on its account or in its employment, shall be allowed; no warrant on the treasury shall be drawn for any claim or demand, for the payment of which there is no money in the treasury raised or received for such purpose, or after the fund constituted and raised therefor has been exhausted by warrants previously drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for, and to be paid out of such fund.

Sec. 19. No moneys shall be paid out of the treasury except upon a warrant signed by the comptroller and approved or authorized by the common council in pursuance of law; such warrant shall specify the purpose for which the amount thereof is to be paid, with sufficient clear-

what to show and how issued, comptroller to keep record.

Refunded bonds to be cancelled and destroyed.

Bonds, &c., issued contrary to this act, void.

Claims not authorized by law, not to be allowed.

No warrant to be drawn when there is no money in treasury.

No money to be paid from treasury except upon warrant.

What war-

rant to con-
tain, and
how endors-
ed.

ness to indicate the particular fund constituted or raised therefor, shall have endorsed thereon the name of the particular fund out of which it is payable, and shall be paid from the fund constituted for such purpose, and from no other.

Claim to be
accompanied
by affi-
davit.

Sec. 20. No claim against the corporation shall be audited or paid unless accompanied by the affidavit of the claimant, if such affidavit be required by the comptroller, that the service, labor or materials upon which such claim is based, have been actually rendered, performed or furnished; that said claim is justly due, and that no part thereof has been paid, except as to the credits, if any, set forth in the account therefor.

Drafts on
funds limit-
ed.

Sec. 21. The common council shall not, by warrant, draft or order on the treasury, or by any form of contract, create any liability or expense, for the payment of which any particular fund is constituted as above, to a greater amount in the aggregate for any one year than the amount of moneys raised for and paid into such fund for the year. All warrants, drafts, orders and contracts payable under this act out of any particular fund, and issued or made after the moneys raised for and paid into such fund shall have been exhausted by payments therefrom or liabilities created and to be paid out of said fund, shall be absolutely void as against the corporation.

Officers of
corporation
not to be in-
terested in
any contract
with city.

Sec. 22. No contract or agreement, written or verbal, to which the corporation shall be a party, or to which any officer or board thereof shall officially be a party, for the construction of any pavement, building, sewer or performance of any public work whatsoever, or contract or agreement requiring the expenditure, receipt or disposition of money or property by the corporation or any officer or board thereof, or creating any debt or liability, shall be let or entered into either directly or indirectly with any member of the common council or other officer of the corporation, either as principal or surety; and any such contract or agreement thus let or entered into shall be absolutely void.

No ordin-
ance, &c., to
be passed at
same meet-
ing at which
it was intro-
duced.

Sec. 23. No ordinance, resolution or proceeding of the common council imposing taxes or assessments, or requiring the payment, expenditure or disposition of money or property, or creating any debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor; and every such ordinance, resolution or pro-

ceeding shall be passed by yeas and nays, to be entered on the record.

Sec. 24. The common council shall determine the fiscal year, and within one month after the end thereof the comptroller shall render to the common council a full, complete and detailed statement, with tabular lists, of all moneys received and expended by the corporation for the preceding fiscal year, showing on what account they were received and expended, to what funds they were credited, and out of what funds they were paid, and classifying each receipt and expenditure under its appropriate head. In such statement he shall also give, by tabular lists and otherwise, such general information as may be necessary for an understanding of the pecuniary resources and liabilities of said city, and of the condition of each fund, and may make such recommendations concerning the same as the interests of said city may require. The common council shall cause said statement to be published in the daily newspaper published by the printer for said city, and in such other paper or papers as the common council may direct.

Fiscal year.
Comptrol-
ler's report.

What to
contain.

To be pub-
lished.

Sec. 25. The common council and the comptroller, or either, may at any time require from the various officers and boards of the corporation, and it shall be their duty to furnish, when required, and in such form as shall be required, full and particular estimates in detail of the expenses of their offices or departments for the current or next ensuing fiscal year, and also full and particular accounts in detail of their expenses for any past year or for any part thereof.

Common
council and
comptroller
may require
estimates
and ac-
counts from
officers and
boards.

Sec. 26. The common council shall have power to contract with any safe bank or banks for the safe keeping of the public moneys and for the receipt of interest at a rate not exceeding that established by law upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund.

Common
council may
contract
with banks,
for safe
keeping of
public
money.

Sec. 27. The mayor, comptroller and chairman of the committee on ways and means, shall be a committee for the negotiation of all loans authorized by this act, except as to any loans to be made by the comptroller, under the authority of the common council, as above provided; and a majority of said committee shall have power to make such negotiations subject to the approval of the common council.

Committee
for negotia-
tion of
loans.

Sec. 28. All taxes and moneys raised, received or appropriated for

Taxes; to
what fund
credited.

the purpose of any particular fund, shall be paid in and credited to such particular fund, and all taxes and moneys not raised, received or appropriated for the purposes of any particular fund, shall be paid in and credited to the general fund, or such other fund as the common council shall direct.

Moneys;
how applied.

Sec. 29. The moneys belonging to the several funds of the corporation, and all taxes and moneys raised, received or appropriated for the purposes thereof, shall be applied to the purposes for which said funds are respectively constituted as above, and for which said taxes and mon-

Proviso.

eys are raised, received or appropriated: *Provided, however,* That if, from any cause, there shall be, at the end of any fiscal year, a surplus in any other than the public building fund, the district road fund for each ward, and the sinking fund, over and above the actual or estimated cost of any work for which the moneys of any fund was specifically raised, such surplus shall be transferred and credited by the treasurer to said sinking fund, at the end of such fiscal year, whenever there shall not be sufficient moneys therein to pay the outstanding funded debt of said city.

Moneys not
to be trans-
ferred from
one fund to
another.

Sec. 30. Moneys shall not be transferred from one fund to another, and the moneys received and properly belonging to one fund shall not be credited to any other or different fund, except to the sinking fund

Funds may
be divided.

as above provided; but the comptroller shall have the power to divide the several funds above constituted into special funds, to defray special expenses belonging to the same class of expenses, for the payment of which said several funds are above constituted.

Board of
commis-
sioners of
sinking
fund.

Sec. 31. The mayor, comptroller, treasurer, and committee on ways and means, and their successors in office, by virtue of their offices, shall be a board of commissioners of the sinking fund. They shall, from time to time, upon the best terms they can make, purchase or pay the outstanding funded debt of said city, or such part thereof as they may be able to purchase or pay, until the same be fully purchased up or paid and all bonds and evidences of debt thus purchased or paid, shall be delivered to the treasurer, and shall become and be the property of the commissioners of the sinking fund, and the interest thereon shall be credited, and belong to the sinking fund; and whenever they cannot arrange for purchasing or paying the said debt, or any part thereof, they shall, temporarily, and until they can so arrange, invest the moneys be-

Duties of
board.

longing to said sinking fund in such securities, paying an interest of not less than seven per cent., as they may deem safe and advisable. Said commissioners shall, from time to time, and whenever requested by the common council, make report of their doings, which report shall be made to the common council, referred to and filed with the comptroller, and recorded by him in some proper book, to be provided for the purpose.

Sec. 32. Said board of commissioners of the sinking fund shall be a ^{Meetings of board.} board of the corporation within the meaning of this act, and shall be subject to the provisions of any existing or future ordinances of said city relative to the sinking fund; they shall meet from time to time for the transaction of business, and may adopt rules of proceeding at their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in or pay the outstanding funded debt of said city, or invest any of the moneys belonging to the sinking fund as above provided, except under a resolution for such purpose passed and approved by the vote of a majority of the whole board, and by yeas and nays to be entered of record. The mayor, or, in case of his absence, some member to be appointed by ^{Who to preside.} those present, shall preside at their meetings. They shall appoint one of their members secretary of the board, whose duty it shall be to keep ^{Secretary; his duty.} a true record of its doings.

Sec. 33. The treasurer shall have the custody of all moneys, securities and evidences of value belonging or pertaining to the sinking fund, ^{Treasurer to have custody of sinking fund.} and shall pay out the moneys of said fund only by order of the commissioners, or a majority thereof, and upon the warrant of the comptroller.

Sec. 34. The faith and property of the city of Detroit shall remain ^{Pledge for payment of moneys borrowed.} pledged for the final payment of all bonds issued and of all moneys borrowed by authority of and in accordance with this or any other act of the Legislature of this State.

Sec. 35. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall directly or indirectly and knowingly appropriate or convert the same to any other purpose than that for which ^{Officer converting money of corporation, to be deemed guilty of malfeasance in office.} such moneys, securities, evidences of value or property may have been

appropriated; raised or received, or to any purpose not authorized by law, he shall be deemed guilty of wilful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction may be punished by fine not exceeding one thousand dollars, and imprisonment in the State prison, jail of Wayne county, or jail of said city, not exceeding three years, or either, in the discretion of the court.

CHAPTER IX.

ASSESSMENT OF TAXES AND THEIR COLLECTION.

Assessor. Sec. 1. There shall be an assessor appointed by the common council upon the recommendation of the mayor, who shall hold his office for the term of three years, and shall devote his whole time to the service of the city in connection with the duties of his office, with power to appoint two assistants, and shall receive such compensation as the common council may determine.

Term of office.

Compensation.

Duties of assessors in making assessments.

Sec. 2. The said assessor, shall, between the first days of January and April, in each year, assess all the real and personal property subject to assessment or taxation by the laws of this State, within the limits of each ward respectively of said city, and shall, within the same period, make out and complete the assessment rolls, one for each ward respectively, in books to be provided for that purpose by the common council, and to be delivered to said assessor on or before the first day of January in each year: *Provided, however,* That the assessment of real and personal property made in the year eighteen hundred and fifty-six, shall be and remain the basis of taxation within said city for the year one thousand eight hundred and fifty-seven, and until the assessment for the year 1858 shall have been made out.

Proviso.

Assessor and alderman to have powers of supervisors.

Sec. 3. The assessor, together with the alderman whose term of office will soonest expire, of the respective wards of the city of Detroit, shall be and are hereby vested with the powers and duties of supervisors, as provided by the laws of this State, not inconsistent with the provisions of this chapter; and said assessor and alderman shall attend the annual session of the board of supervisors of the county of Wayne, in October, and all other sessions thereof, and shall represent the interests of this corporation in such board.

Proceedings where lots lie in two or more wards.

Sec. 4. If any lot or lots shall lie partly in two or more wards, the same shall be assessed in the ward where the greater proportion of

such lot or lots is situated; and the said assessor shall describe all lands, tenements and sub-divisions thereof, subject to assessment or tax in said city, by referring to the number and section of the lot and the owner or occupant thereof; and if the number and section of any lot, or the owner and occupant thereof cannot be ascertained, then, by such other sufficient description as such assessor may deem proper; and if, by mistake or otherwise, any person may be improperly designated as the owner of any lot, tenement or premises, such assessment or tax shall not for that cause be vitiated, but the same shall be a lien on such lot, tenement or premises, and collected as in other cases.

Sec. 5. The assessor shall have power and authority to demand of every person owning or having charge, as agent or otherwise, of any property taxable in any ward, a list of such property, with such description as will enable him to assess the same, which demand may be made in writing, and by delivering the same to such person or by leaving the same at his place of residence with some person of proper years and discretion; and if the person of whom such demand may be made shall not, within ten days thereafter, deliver to such assessor a list of the property in said ward belonging to him or her, or under his or her charge, with a correct description of the same, or if he shall omit any such property in the list delivered, said assessor shall have power and it shall be his duty to assess such property upon such knowledge or information as may be satisfactory to him, at its cash value, and according to his best judgment and discretion.

Assessor
may demand
list of owner
or agent.

Sec. 6. Said assessor shall make out and complete the entire assessment rolls for the respective wards, and after all the rolls have been completed, the said assessor, together with the comptroller, treasurer, attorney and chairman of the committee on ways and means, shall meet together on the first Monday of April in each year, in the common council room in said city, and organize as a board of review, for the purpose of hearing complaints of any and all persons against any assessments contained in any of said rolls, and altering or correcting the same, as the majority of the board shall deem proper. Said board shall continue in session from day to day, from 9 A. M. until 12 o'clock noon, for the space of two weeks, which period may be extended by order of the common council not exceeding ten days; and any person considering himself aggrieved in the premises, may complain thereof verbally or in

Board of re-
view; its
duties.

writing, before the board of review, and on sufficient cause being shown by the affidavit of such person, or by other evidence, to the satisfaction of such board, they shall review the assessment complained of, and may alter or correct the same as to the person charged thereby, the property described therein, and the estimated value thereof. The concurrence of a majority of all the board shall be sufficient to decide any question of altering or correcting an assessment complained of. The board, or a majority of them, having completed the review and correction of their assessment rolls, shall respectively sign and return the same to the common council. The members of said board shall receive no compensation for their services whilst acting on said board, other than their salaries, excepting the chairman of the committee on ways and means, who shall receive such compensation as the common council shall prescribe.

Board of review to receive no compensation, except chairman of committee of ways and means.

Board of review to have same power as board of supervisors.

Sec. 7. At the meeting of the board of review, as required by the preceding section, they shall have the same power to review, correct and equalize the assessment rolls of the several wards, which supervisors now or hereafter may have by law to review, correct and equalize the assessment rolls of townships in the respective counties of this State.

Notice of meeting of board of review; how given.

Sec. 8. The city clerk shall cause a notice to the tax payers of said city, to be published in the daily newspaper published by the printer for the city, and in one other daily newspaper published in said city, for two weeks prior to the time of the first meeting of said board of review, stating the time and place of meeting of said board, and the objects for which it will meet, and the length of time it will continue its sessions. Said notice shall be published in said daily newspapers, on each publication day thereof, until the expiration of the two weeks provided above for the sitting of said board.

Appeal to common council.

Sec. 9. The common council, after the expiration of said two weeks or extended period in which the board of review are to sit, as above provided, for reviewing their assessment rolls, shall, at its next regular session, proceed to consider said assessment rolls; and any person aggrieved by the assessment of his property and the decision of such board of review thereon, may appeal to the common council at said regular session. Every appeal shall be in writing, and shall state specially the grounds of the appeal and the matter complained, and no other matter shall be considered by the council. While acting upon said assessment rolls or ap-

peals, any member of said board may meet with the common council and make such explanations as they may deem requisite in any case.

Sec. 10. The common council shall hear and determine all appeals in a summary manner, and correct any errors which they may discover in the assessment rolls, and may place thereon the names of any persons, and the descriptions of any property not already assessed, and assess the same, and may increase or diminish any assessment, as they may see fit: *Provided*, That they shall not increase any assessment of property without giving a reasonable opportunity to the persons owning or having charge of the same, if known, to appear and object thereto.

Common council to hear appeals summarily.

Sec. 11. The common council may continue the consideration of said assessment rolls and the hearing of said appeals from session to session, for a period not exceeding sixteen days after the time when they are to be first considered as above provided; and on or before the expiration of said period of sixteen days, they shall be fully and finally confirmed by the common council, and shall remain as the basis of all taxes to be levied and collected in the city of Detroit, according to property valuation, until another assessment shall have been made and confirmed as above provided for.

Hearing appeals may be continued.

Sec. 12. After the assessment rolls shall have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the comptroller to cause the amount of all taxes in dollars and cents, authorized to be assessed and collected in each year, to be rateably assessed to each person named or lots described, upon and according to the aggregate valuation, such person or lots shall have been assessed in said assessment rolls, or book prepared for that purpose, to be known as the tax roll for each ward, in separate columns showing the amount of highway, sewer, school and city taxes assessed to each person or lots in each year; and when said tax rolls shall have been completed, the comptroller shall cause the same to be delivered to the city treasurer, who shall give a receipt therefor, and be charged therewith, and who shall retain the said tax rolls in his office until such day as shall be designated by the common council, but not exceeding sixty days in each year, and during which time any person assessed therein may pay the amount of taxes assessed against each person respectively, to said treasurer, who shall receive and give a receipt therefor, and mark the same *paid* upon the proper roll; and after the expiration of the time for the

Comptroller to make tax rolls.

Tax rolls; what to contain.

To be delivered to treasurer.

Taxes may be paid to treasurer.

Treasurer to give receipt.

Treasurer to make out copies of unpaid taxes and warrants, for their collection.

payment of taxes to the treasurer as aforesaid, the treasurer shall then cause to be made out copies of the taxes remaining due and unpaid on such assessment rolls for each ward, and warrants authorizing the collection thereof, together with such per centage as shall have been fixed by the common council as compensation for the collection of such taxes

Warrant to be signed by comptroller.

or assessments, and to be stated in such warrants, may be issued and annexed to each tax or assessment roll, signed by the controller, and under the corporate seal of the corporation directed to the proper ward

Form of Warrant.

collector or collector of the city, as the case may be, and made returnable upon such day as shall have been designated by the common council, commanding them to collect, from the persons named in their respective assessment rolls, the assessment or taxes therein specified and set forth as due from such persons; and for such purpose, if necessary, to levy upon and sell the personal property of such person, occupant or lessee refusing or neglecting to pay the same, whenever and wherever the same may be found within the limits of said city, and to pay over and account for the taxes or assessments then collected, according to law.

Treasurer to charge amount of unpaid taxes to collectors.

The treasurer shall charge the amount of taxes remaining unpaid upon said rolls to the collectors or collector of said city receiving the same respectively, and shall also take a receipt therefor. Warrants for the collection of taxes or assessments may be extended or renewed from time to time, as the common council shall direct.

Warrants may be extended.

Powers of collectors.

Sec. 13. By virtue of said warrants, the several collectors to whom they may be respectively directed shall have power to levy upon the personal property of persons from whom taxes may be due, wherever and whenever the same may be found within the limits of said city, and shall sell the same in the same manner and with the same duties and powers of proceeding as now or hereafter may be provided by the laws of this State for the collection of State and county taxes by township treasurers or collectors; and all moneys thus collected shall be paid over by the collectors to the treasurer of said city, at such times and under such regulations as shall be prescribed by the common council.

Taxes and assessments to be liens.

Sec. 14. Every assessment or tax lawfully levied or imposed by the authority of the common council, on any lands, tenements, hereditaments or premises whatsoever in said city, shall be and remain a lien upon such lands, tenements, hereditaments or premises, from the time of making such assessment or imposing such tax until paid; and the own-

er or occupants of, or parties in interest in said real estate, shall be liable on demand to pay every such assessment or tax; and if there be default in paying the same, or any part thereof, or if such person or persons be non-residents of said city, and goods and chattels cannot be found out of which to collect such assessment or tax by levy and sale, as hereinbefore provided, it shall be lawful for said common council to cause a notice to be published in the daily newspaper published by the printer for the city, for four successive weeks, requiring the owners or occupants of, or parties in interest in such lands, tenements, hereditaments or premises, to pay such assessment or tax, and that, if default be made in making such payment, such real estate will be sold at public auction, at a day and place to be specified in said notice, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the cost or charges in the premises.

Notice of
sale of
lands.

Sec. 15. If the owners or occupants of, or parties in interest in such real estate, do not pay such assessment or taxes, with the costs and charges, within the period above prescribed for the publication of said notice, then the said common council shall have power, without any further notice, to cause such real estate to be sold at public auction for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs and charges, and to direct the execution of a proper certificate of such sale to the purchaser thereof; and if such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the controller shall, in the name of and for the city of Detroit, execute and deliver to such purchaser, or his assignee, a proper deed for conveyance of such real estate for the term for which the same was sold; which deed shall in all courts be *prima facie* evidence of the regularity of all the proceedings under which the sale was made, and said deed was executed up to the date of the deed; and any person who shall, under such deed, enter into any such real estate and erect or place any building or building materials thereon, shall have the right, at any time within three months after the expiration of said term, or in case he shall be ousted before the expiration of such term by any person claiming adversely to said deed, then within three months after trial,

Sale of real
estate for
taxes, for
term of
years.

Redemption
Comptroller
to execute
deed of real
estate for
term of
years.

Deed, *prima
facie* evi-
dence of
regularity of
proceedings.

Purchaser
may erect
buildings on
premises
sold, and
may remove
the same
within 3
months
after expira-
tion of term.

judgment of ouster or ejectment, to remove such building or building material from said real estate.

Redemption Sec. 16. When any lands, tenements and hereditaments shall be sold according to the foregoing provisions for the payment of any assessment or tax, as aforesaid, if the owners or occupants of, or parties in interest in the same, shall, within one year after such sale, deposit with the treasurer of said city, for the use of the purchaser, the full amount of the assessment or tax for which such real estate was sold, and such interest as the common council shall prescribe as hereinafter authorized, together with the amount of the costs and charges, then the term for which such real estate was sold shall cease and be determined at the time of making such deposit, subject, however, to the right of the purchaser, his heirs, executors, administrators or assigns, to remove any building or building materials, as hereinbefore provided.

Taxes paid may be recovered of person who ought to pay the same, in action of assumpsit. Sec. 17. Any person in possession of any real estate at the time any tax is to be collected, shall be liable to pay the tax imposed thereon; and in case any other person, by agreement or otherwise, ought to pay such tax or any part thereof, the person in possession, who shall pay the same, may recover the amount paid from the person who ought to have paid the same, in an action of assumpsit, as for moneys paid out and expended for his use and benefit.

Interest on redemption. Sec. 18. The common council shall have power to charge interest at a rate not exceeding fifteen per cent. per annum, after the return of any tax or assessment, and twenty-five per cent. per annum, from the time of sale, on the amount of any assessment or tax, for the non-payment of which any lands, tenements, or hereditaments may be sold, and upon the amount to be paid upon the redemption of any such real estate and premises so sold.

Right to remove buildings, &c. Sec. 19. Any person who shall, at such sale, purchase for a term of years any lots, grounds or wharves, shall have the right to remove any building or building materials erected or deposited by or belonging to him, and situated on said lots, grounds or wharves, at any time within three months after the expiration of the term or time for which the same were sold.

Comptroller or mayor may execute conveyances Sec. 20. The comptroller, or in his absence, the mayor, may execute in the name of the corporation, and under its corporate seal, proper conveyances or certificates of sale of all lands, tenements or hereditaments

sold for assessments or taxes, which, when duly acknowledged and attested by the city clerk, may be recorded as other conveyances of land under the laws of this State.

Sec. 21. It shall be the duty of the comptroller to bid in for the corporation at any sale of real estate for assessments or taxes, every lot of land or premises for which no person shall offer to bid; and if any purchaser should refuse or neglect to pay the sum or sums bid by him within the time and under the regulations prescribed by the common council, such bid shall enure to the use and benefit of the corporation, if the common council so elect. Upon all such bids by the comptroller and all bids enuring as aforesaid to the use and benefit of the corporation, conveyances or certificates of sale may be executed by the comptroller to the corporation, acknowledged, attested by the city clerk, and recorded in the same manner as above provided in other cases of sale for assessments or taxes.

Comptroller may bid in lands for corporation.

Sec. 22. All conveyances, certificates of sale, and leases of any lands, tenements or hereditaments, executed by the corporation or any of its officers by virtue of this act, shall be taken and received in all courts and proceedings as *prima facie* evidence of the regularity of the proceedings on which such conveyances, certificates of sale, lease, or any title claimed thereby, are founded.

Conveyances to be prima facie evidence.

CHAPTER X.

FIRE DEPARTMENT.

Sec. 1. The common council shall procure fire engines, hose, hooks, ladders, and other apparatus and implements used for the extinguishment of fires, for each fire company, pay the expenses of keeping the same in necessary repair, have charge and control of the same, and provide fit and secure engine houses and other places for keeping and preserving the same, and purchase any real estate for the erection of engine houses.

Common council to procure fire apparatus.

Sec. 2. The common council have power to organize engine, hook, hose, ladder, axe, and other fire companies, for the prevention and extinguishment of fires, and to dissolve or disband the same; to appoint a competent number of able inhabitants of the city of Detroit, firemen, to take the care and management of engines, hose, ladders and other apparatus and implements used and provided for the prevention and

To organize fire companies.

extinguishment of fires; to prescribe the duties and powers of firemen and fire companies, make rules and regulations for their government, impose reasonable fines, penalties and forfeitures upon them for a violation of the same, and to remove them for incapacity, neglect of duty or misconduct.

Chief engineer and assistants.

Sec. 3. There shall be a chief engineer and two or more assistant engineers, who shall be appointed by the firemen with the consent and confirmation of the common council, and whose powers and duties shall be prescribed by said council.

Fire wardens.

Sec. 4. The mayor, members of the common council, marshal and deputy marshals, by virtue of their offices, shall be fire wardens; and the common council may annually appoint one or more resident electors of each ward, fire wardens thereof, who shall hold office until removed or their successors be appointed and qualified.

Powers and duties of fire companies and firemen.

Sec. 5. Each fire company shall have power to appoint its own officers, make by-laws and regulations for its good government, not inconsistent with this act or the ordinances and regulations of the common council, and may impose and collect such fines for the non-attendance and neglect of duty of any of its members as may be prescribed by the by-laws or regulations of said company; and it shall be the duty of each fire company, subject to the control and regulations of the common council, to take the care and management of the fire engine, hose, hook, ladder, and other fire apparatus and implements of such company; to keep the same in good and perfect repair; and upon any fire alarm or breaking out of any fire within said city, it shall be the duty of each member of a fire company forthwith to repair to the engine house of such company and thence proceed, without delay, with its engine, hose, or other fire apparatus and implements, to the place of such fire, and there use the same and otherwise labor for the extinguishment of such fire, under the direction of the chief engineer or other officers present, who may be empowered by the common council to give orders and directions at a fire in relation to the extinguishment thereof.

Meetings of fire companies.

Sec. 6. It shall also be the duty of each fire company to assemble once in each month, or as often as may be directed by the common council, for the purpose of working and examining its engine, hose or other fire apparatus and implements, and putting and keeping them in perfect order and repair.

Sec. 7. The fire wardens appointed for the several wards, shall have ^{Powers and duties of fire wardens.} power, at all reasonable times, and it shall be their duty to enter into and examine all the dwelling-houses, out-houses, lots and yards in their respective wards; to ascertain how ashes are kept; to direct full obedience to all ordinances of the common council relating to the prevention of fires, and to report to the common council all infractions thereof; and the mayor, members of the common council, marshal and deputy marshals, acting as fire wardens, shall have the same powers and perform the same duties within the limits of said city, which the appointed fire wardens may have and perform within the limits of their respective wards.

Sec. 8. Every person, whilst serving as a fireman, or who shall have ^{Exemption of firemen.} served as fireman in said city for a term of five years, shall be exempted from serving as a juror and from doing militia duty, except in case of war, invasion or insurrection. A certificate of such service, under the seal of the corporation, signed by the mayor and clerk of the city, or as prescribed in the act incorporating "The Fire Department of the City of Detroit," approved February 14th, 1840, shall be, in all courts and places, evidence of such exemption. The engineers, assistant engineers, fire wardens appointed for the several wards, and members of engine, hook, hose, ladder and other fire companies lawfully organized, shall be deemed firemen of said city within the meaning of this section.

Sec. 9. The mayor, any member of the common council, engineer or ^{Powers of certain officers at fires.} fire warden may order all able-bodied persons present at a fire, to assist and labor in the extinguishment thereof and in the preservation of property, and may also order all persons present at a fire, not belonging to the fire department or not lawfully employed in its service or in the preservation and custody of property, to remove from the vicinity of such fire all property exposed by reason thereof.

Sec. 10. Whenever any person shall refuse to obey any lawful order ^{Power of officer at fire to arrest for disobedience of order.} of the mayor, any member of the common council, engineer or fire warden at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally the marshal, any deputy marshal, constable, policeman, or any citizen, to arrest such person, and confine him temporarily until such fire be extinguished; and such officers, or any of them, may arrest or direct the arrest and temporary confinement of any person at such fire who shall be intoxicated or disorderly.

Duties of
officers upon
breaking out
of fires.

Sec. 11. Upon the breaking out of any fire within said city, the marshal, deputy marshals, constables and appointed fire wardens shall immediately repair to the place of such fire with their staves, and aid and assist in extinguishing such fire and in removing, securing, preserving and preventing from being stolen, any goods or other property exposed by reason of such fire, and shall in all respects be obedient to the lawful orders of the mayor, any member of the common council or engineer present.

Present fire
companies
continued
until dis-
solved or
disbanded

Sec. 12. Engine, hose, hook, ladder, and other fire companies, now organized within the city of Detroit, shall be continued in their organization until dissolved or disbanded, and the present firemen, fire engineers, and fire wardens of said city are hereby continued in office until removed; but said companies, firemen, and fire engineers, shall in all respects be governed by this act in respect to their powers, duties, liabilities, term and tenure of office, and by the ordinances, rules and regulations of the common council, made pursuant to the provisions of this act.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

New corpora-
tion to pay
debts of old
corporation.

Sec. 1. The corporation created by this act shall pay and discharge all the debts, obligations, contracts and liabilities of "the mayor, recorder, aldermen, and freemen of the city of Detroit," and suits may be brought and prosecuted thereon, against said corporation, in law or equity, to the same effect as they could be brought and prosecuted against "the mayor, recorder, aldermen and freemen of the city of Detroit," if this act had not been passed.

Rights vest-
ed in cor-
poration
under this
act.

Sec. 2. All property, real, personal and mixed and rights of property, in law or in equity, and all debts, fines, penalties, forfeitures, rights and causes of action, and all rights and powers not inconsistent with the provisions of this act, which belong, have accrued, or may accrue, to "the mayor, recorder, aldermen and freemen of the city of Detroit," or to the inhabitants of the city of Detroit in their corporate capacity, shall be and the same are hereby declared to be fully and absolutely vested in the corporation created by this act, to be held subject to the provisions hereof, and may be prosecuted for and recovered or claimed, asserted and maintained by said corporation in its own name, or in any other lawful manner.

Sec. 3. All writs, prosecutions, actions, and causes of actions, now in suit, and instituted or commenced, by or against "the mayor, recorder, aldermen and freemen of the city of Detroit," shall continue and may be prosecuted to the end thereof, to the same effect as if this act had not been passed. Actions pending continued.

Sec. 4. The mayor's court of the city of Detroit, except as herein otherwise provided, shall continue with its powers and jurisdiction, as if this act had not been passed, until the organization of the recorder's court under this act, and from and after such organization, its powers and jurisdiction shall cease. Mayor's court continued until recorder's court organized.

Sec. 5. On the organization of the recorder's court, all books, records, recognizances and papers filed in or pertaining to the mayor's court of the city of Detroit, and all proceedings, commenced or cognizable therein, shall be removed and transferred to or commenced in said recorder's court, and proceeded with, in conformity with its powers and jurisdiction, to the same effect as if this act had not been passed. Removal of records, &c. to recorder's court.

Sec. 6. All causes of action, rights and liabilities of individuals of the State, and of bodies corporate, shall continue and remain, as if this act had not been passed, except of "the mayor, recorder, aldermen and freemen of the city of Detroit," whose act of incorporation is hereby repealed. Causes of action continued.

Sec. 7. This act shall not invalidate any legal act done by "the mayor, recorder, aldermen and freemen of the city of Detroit," or by the common council or any officer of said city, now or heretofore in office. Certain acts not invalidated.

Sec. 8. All ordinances, by-laws, regulations, resolutions and rules of the common council of the city of Detroit, now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council, under this act, and after the same shall take effect. Ordinances, &c. to remain in force.

Sec. 9. No person shall be an incompetent judge, justice of the peace, or other officer, witness or juror, by reason of his being an inhabitant or freeholder in the city of Detroit, in any prosecution or proceeding in the recorder's court, in any action or proceeding in which the corporation shall be a party in interest, or in any judicial or other proceeding. Inhabitants of Detroit not to be incompetent.

Sec. 10. The certificate of the clerk, required by this act, specifying the day on which he may have presented any ordinance, resolution or proceeding to the mayor, for his approval or disapproval, or a copy Clerk's certificate to be conclusive evidence.

thereof certified by such clerk under the seal of the corporation, shall, in all courts, places and proceedings, be conclusive evidence of the facts therein stated.

Records or
certified
copies of
records to
be presump-
tive evidence

Sec. 11. The record of any ordinance enacted, and of the time of its first publication, made by the clerk, as required in this act, or a copy thereof, certified by such clerk under the seal of the corporation, shall be presumptive evidence in all courts, places and proceedings, of the due passage of such ordinance, of its having been duly published, and of the time of its first publication. Copies of all other records and papers duly filed in and pertaining to the office of the clerk, certified by him under the seal of the corporation, shall be evidence in all courts and places, to the same effect as the originals would be if produced.

Proof of
publication
of ordin-
ances, &c.

Sec. 12. Proof of the requisite publication of any ordinance, resolution or other proceeding required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the clerk of the city, or any other competent proof, shall in all courts and places be conclusive evidence of the legal publication of such ordinance, resolution or other proceeding.

Printed
ordinances,
&c., to be
prima facie
evidence.

Sec. 13. All ordinances and by-laws of the common council, printed and published by their authority, shall in all courts, places and proceedings be received without further proof as *prima facie* evidence thereof, and of their legal enactment and publication.

Perjury.

Sec. 14. Any person required to take any oath or affirmation, or to make any affidavit or statement under oath or affirmation, under any provision of this act, who shall, under such oath or affirmation, in any such statement or affidavit, or otherwise, wilfully swear falsely as to any material matter, shall be guilty of perjury, and may be prosecuted therefor, and on conviction, punished, as in the case of perjury under the general laws of this State.

Public act.

Sec. 15. This act shall be deemed a public act, and shall be construed benignly and favorably for any beneficial purpose therein intended.

This act
may be
amended.

Sec. 16. This act may at any time be altered or amended by the Legislature of this State.

CHAPTER XII.

ACTS CONTINUED AND REPEALED.

Sec. 1. The following acts and parts of acts being now in force shall be continued subject to this act, viz:

The act entitled "an act to incorporate the fire department of the city of Detroit," approved February 14th, 1840;

The act entitled "an act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water works," approved February 14th, 1853;

The act entitled "an act to authorize the water commissioners of the city of Detroit to loan money for the purpose of extending and improving the water works of said city," approved February 6th, 1855;

All acts and parts of acts relating to schools in the city of Detroit;

The act entitled "an act amending an act relative to the registry of certain deeds, approved March 9th, 1844," approved May 7th, 1846;

The act entitled "an act relative to conveyances in the city of Detroit," approved April 1st, 1850;

The act entitled "an act to incorporate the city of Detroit gas company," approved March 14th, 1849, and all acts amendatory thereof;

Sections eight, nine, ten, eleven and twelve of chapter one hundred and three of the revised Statutes of 1846, relating to the selection and return of jurors from said city, to serve in the circuit court for the county of Wayne;

Section forty-nine of chapter thirty-five of the Revised Statutes of 1846, relating to boards of health in cities and villages;

The act entitled "an act to establish a police court in the city of Detroit," approved April 2d, 1850, and all acts and parts of acts amendatory thereof;

The act entitled "an act to provide for draining certain low lands in the vicinity of Detroit," approved March 29th, 1849.

Sec. 2. The following acts and parts of acts are hereby repealed, viz:

The act of the legislative council of the territory of Michigan, granting a charter of incorporation to "the mayor, recorder, aldermen and freemen of the city of Detroit," and entitled "an act relative to the city of Detroit," approved April 4th, 1827, and all acts and parts of acts amending or altering said act or charter, and not hereby continued;

And all other acts and parts of acts relating to the city of Detroit and not hereby continued, the subjects whereof are revised and re-enacted in this act, or which are repugnant to or inconsistent with the provisions of this act.

This act shall take effect immediately.

Approved February 5, 1857.

[No. 56.]

AN ACT to amend section two of an act entitled an act relative to the University Fund, approved February (10th, 1855,) tenth, eighteen hundred and fifty-five.

Section 2,
amended.]

SECTION 1. *The People of the State of Michigan enact*, That section two of an act relative to the University Fund, approved February (10th, 1855,) tenth, eighteen hundred and fifty-five, be and the same is hereby amended by striking out the words "fifty-four," and inserting the words "fifty-six," so as to read as follows:

Act limited
to four
years.

"Sec. 2. This act is hereby limited in its operation to the period of four years from and after the thirty-first day of December, eighteen hundred and fifty-six.

Approved February 5, 1857.

[No. 57.]

AN ACT to approve the tax roll of the township of Milford, in the county of Oakland, and to extend the time for the collection of taxes in said township.

Tax roll for
1856, legal-
ized.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll of the township of Milford, in the county of Oakland, for the year of our Lord one thousand eight hundred and fifty-six, be and the same is hereby declared to be valid and legal.

Time of
extension.

Sec. 2. That the time for the collection of taxes in the township of Milford, in the county of Oakland, for the year eighteen hundred and fifty-six, is hereby extended until the second Monday of March next.

Powers and
duties of
treasurer.

Sec. 3. The treasurer of the said township of Milford, is hereby authorized and empowered to proceed and collect said taxes as fully as he could do, during the lifetime of his warrant, and make his return at

any time on or before the second Monday of March next, and his said warrant is hereby continued in force for the purposes aforesaid, until the second Monday of March next.

Sec. 4. It shall be the duty of the treasurer aforesaid, before he shall be entitled to the benefits of this act, to pay over all moneys collected in the life-time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Oakland. Treasurer to pay over money and renew bond.

Sec. 5. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provision, shall be returned to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned, shall be collected in the same manner, and with interest computed from the same time, as the annual taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes to be returned.

This act to take immediate effect.

Approved February 5, 1857.

[No. 58.]

AN ACT to extend the time for the collection and return of taxes in the township of Rutland, in the county of Barry.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection and return of taxes in the township of Rutland, in the county of Barry, is hereby extended to the second Monday in March next. Time of extension.

Sec. 2. The treasurer of the township of Rutland, is hereby authorized to proceed and collect said taxes as fully as he could have done during the life-time of his warrant for that purpose, and to make his returns on or before the second Monday in March aforesaid, and said warrant is continued in full force for said purpose. Duties of treasurer.

Sec. 3. It shall be the duty of the treasurer aforesaid, before he shall be entitled to the benefits of this act, to pay over all the moneys collected during the life-time of his warrant, as now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Barry. Treasurer to pay over moneys and renew bond.

Return of
transcript of
unpaid taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year one thousand eight hundred and fifty-six, duly returned to the Auditor General for non-payment.

This act to take immediate effect.

Approved February 5, 1857.

[No. 59.]

AN ACT to authorize the Port Huron and Milwaukee Railway Company to issue its shares in the Kingdom of Great Britain.

May estab-
lish office in
London.

SECTION 1. *The People of the State of Michigan enact:* That the Port Huron and Milwaukee Railway Company be and is hereby authorized to establish an office for the transfer of its shares in the city of London, or in any other place in the Kingdom of Great Britain, and may issue its shares registered in such office in the currency of said kingdom, at the rate of twenty pounds ten shillings sterling per share of one hundred dollars; and the directors of such company may make such rules for the management of such office, and in relation to the shares registered therein, as they shall deem necessary.

This act ordered to take immediate effect.

Approved February 5, 1857.

[No. 60.]

AN ACT to change the name of the township of Bristol in the county of Livingston.

Cohoctah.

SECTION 1. *The People of the State of Michigan enact,* That the name of the township of Bristol, in the county of Livingston, be and the same is hereby changed to Cohoctah.

This act is ordered to take immediate effect.

Approved February 5, 1857.

[No. 61.]

AN ACT to extend the time for the collection of taxes in the township of Eureka, Montcalm county, for the year (1856) eighteen hundred and fifty-six.

SECTION 1. *The People of the State of Michigan enact*, That the ^{Time of extension.} time for the collection of taxes for the year (1856) eighteen hundred and fifty-six, in the township of Eureka, in Montcalm county, be and the same is hereby extended until the first Monday of March next.

Sec. 2. The treasurer of the township herein named is hereby au- ^{Duties of treasurer.} thorized and empowered to proceed and collect said taxes as fully as he could do during the lifetime of his warrant, and make his return at any time before the first Monday of March next.

Sec. 3. It shall be the duty of the treasurer of the township herein ^{Treasurer to pay over moneys and renew bond.} named, before he shall be entitled to the benefit of this act, to pay over all moneys collected as provided by law, and to renew his official bond to the satisfaction of the supervisor of the township herein named.

Sec. 4. A transcript of all unpaid taxes, returned to the county trea- ^{Return of transcript of unpaid taxes.} surer, in pursuance of the foregoing provisions, shall be returned to the auditor general as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes, for the year (1856) eighteen hundred and fifty-six duly returned to the auditor general for non-payment.

Sec. 5. This act is ordered to take immediate effect.

Approved February 7, 1857.

[No. 62.]

AN ACT to organize fractional school district number one (1) of Deerfield, and number three (3) of Oceola, in the county of Livingston.

SECTION 1. *The People of the State of Michigan enact*, That the ^{New school district formed.} following described pieces and parcels of land in the towns of Deerfield and Oceola, in the county of Livingston, be set off and constituted into a school district, to wit: section three (3), and the north half of section four (4), and the east half of the north-east quarter of section five in the town of Oceola, and the south half of section twenty-seven, all of section thirty-four (34), and all of section thirty-three (33), with the exception of the west half of the north-west quarter of section thirty-three aforesaid, in said township of Deerfield.

To be fractional school district No. 1, of Deerfield and 3 of Oceola.

First district meeting.

Powers of district.

Property vested.

Moneys to be assessed, collected & paid over.

Sec. 2. The inhabitants residing within the aforesaid boundaries, shall be and they are hereby constituted a school district, to be known and designated as fractional school district number one of Deerfield, and three of Oceola, and they are hereby empowered and authorized to meet and elect officers on the first day of May next, at three o'clock in the afternoon, at the house of John Hetcheler, in said school district, and the officers then and there elected shall continue in and hold their respective offices in the same manner as officers elected at the annual meeting in the year eighteen hundred and fifty-six, in school districts organized under the existing laws of this State.

Sec. 3. The aforesaid school district shall have, possess and exercise all the powers, privileges and immunities used and enjoyed by school districts in this State, for every purpose whatsoever, and to do all and singular the acts and duties which school districts are authorized or required by law to do and perform.

Sec. 4. All the property, real and personal, situated and embraced within the said boundaries and description of said school district, which was heretofore the property of the school district formerly organized and described as fractional school district number one of Deerfield, and three of Oceola, in the county of Livingston, is hereby granted to and vested in the school district hereby organized.

Sec. 5. All moneys voted by said school district and certified by the proper officers to the respective supervisors of the townships in which said school district is in part situated, shall be assessed by the said supervisors and collected by the several treasurers of said townships as other school taxes are collected and paid, and said school district shall be in all respects subject to the laws in relation to school districts, and possess all the corporate powers of such school districts.

This act to take immediate effect.

Approved February 7, 1857.

[No. 63.]

AN ACT to provide for the laying out and establishing a certain road in the counties of Sanilac and Tuscola.

Commissioners to lay out road.

SECTION 1. *The People of the State of Michigan enact, That* William Van Camp, Henry Oldfield, Harvey G. Wheeler, and S. C.

Hall, of Sanilac, be and are hereby appointed commissioners to lay out and establish a State road from the village of Port Sanilac, on the most eligible route through the township of Sanilac, then on the most direct eligible route to the eastern terminus of the Lower Saginaw and Watrous ville road, at Watrous ville, in the county of Tuscola, and who shall ^{Duties.} cause the survey bills of the same to be filed for record in the office of the several township clerks of the townships through which the same shall be laid out, on or before the first day of December next.

Sec. 2. For the purpose of improving said road, there shall be appro- ^{Taxes ap-} priated all such of the non-resident highway taxes of the year eighteen hundred and fifty-seven, and for three years thereafter, as may be collected upon any legal sub-division of land, an equal or the greater part of which shall be within the two lines running parallel with said road, one mile each way from the centre of said road in the townships through which it may be laid out.

Sec. 3. The right of way for any such road, through any lands belong- ^{Right of} ing to the State, be and is hereby granted and confirmed to the township ^{way.} in which such lands shall be.

Sec. 4. For the purpose of carrying into effect the provisions of this ^{Special com-} act, the above named Harvey G. Wheeler, of Sanilac county, and Wil- ^{missioners.} liam A. Heartt, of Tuscola county, are hereby appointed special commissioners in their respective counties, who shall be governed by the same laws, as far as the same may be subject to their control by the provisions of this act, as are now or may hereafter be in operation for the government of township highway commissioners.

Sec. 5. It shall be the duty of said special commissioners, before en- ^{Duties of} tering upon the duties of their office, to take and subscribe an oath to ^{commis-} faithfully perform the duties herein assigned them, and file the same in ^{sioners.} the office of the county clerk of their respective counties, and each of them deliver to the county treasurers of said counties a bond in the penal sum of one thousand dollars with two good and sufficient sureties to be by him approved, conditioning for the faithful performance of all the duties imposed upon them by virtue of this act; and in default thereof, it shall be the duty of said county treasurers to prosecute the same in the same manner as bonds are prosecuted against county officers.

Duties of
special com-
missioners.

Sec. 6. It shall be the duty of said special commissioners, on or before the first day of May next, to make out a list of all non-resident land coming under the provisions of this act, and deliver the same to the county treasurers of said counties, who shall thereupon open an account with said commissioners, and credit to said commissioners all moneys then in their hands or which may hereafter be paid in their offices as non-resident highway taxes upon any of the lands described in said list, and charge said commissioners all moneys which may be drawn by them.

Further
duties.

Sec. 7. It shall be the duty of said special commissioners in the payment of any labor performed or materials furnished in the improvement of said road to issue their certificates to any person or persons to whom they may be indebted by virtue of their office, certifying the facts in the case as they exist, and such person or persons may draw thereon from the county treasurers upon the State road fund for the amount due, and it shall be the duty of said county treasurers to pay the same out of any moneys to the credit of such fund, and charge the same as provided in section six of this act: *Provided*, That all moneys collected in the several townships hereinbefore mentioned, shall be expended within the limits of each township wherein the same may have been collected.

Compensa-
tion.

Sec. 8. The above named commissioners shall be entitled to receive as compensation for any services rendered in the discharge of any of their duties imposed on them by virtue of this act, a sum not exceeding one dollar and fifty cents per day for the time employed in carrying out its provisions; and their accounts for the same, verified by their oaths, shall be audited by the board of supervisors of their respective counties, and paid out of any money to the credit of said fund.

State not
liable for
expense.

Sec. 9. The State shall not be liable for any expense incurred or damage sustained by reason of this act.

Overseers of
highways to
pay over
moneys.

Sec. 10. Any overseer of highways within such townships having received any portion of such tax by way of commutation, shall on demand of such special commissioners, or either of them, pay over to them any sums so received, and the receipt of such commissioners or either of them, shall release such overseer from any liabilities therefor.

Special com-
missioners
to render

Sec. 11. It shall be the duty of such special commissioners to render to the board of supervisors of each county, at their annual session, a true

account of the application and disbursement of all moneys they may have received in such counties respectively, each year. account to boards of supervisors.

Sec. 12. In case any of the special commissioners shall neglect or refuse to serve as such, or if any vacancy shall occur, by death, removal, or otherwise, the county treasurer, sheriff and prosecuting attorney of the county in which such vacancy may occur, shall have power to appoint commissioners to fill such vacancy, and on application, in writing, made by five freeholders, resident citizens of the township in which such commissioner did reside, such officers so receiving such application shall proceed at once, or without any unnecessary delay, to appoint a commissioner, to fill such vacancy. The commissioner so appointed, shall be required to give bonds in the like manner, and have the same powers as the commissioners appointed by this act; and the officers making such appointment, shall cause a record of the same to be made in the office of the county clerk of said county. Vacancies; how filled.

Sec. 13. The commissioners appointed by this act, may make application to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be, when private property is taken for said road, to ascertain the necessity for taking such property, and appraise the damage thereon, if any is claimed, and the necessity for taking such property and the compensation therefor, shall be certified to in writing by said commissioners and the certificate filed in the office of the register of deeds for the county in which said property is situated. Commissioners may apply to judge for appointment of commissioners to appraise damages.

Sec. 14. This act shall take immediate effect.

Approved February 7, 1857.

[No. 64.]

AN ACT to alter the township line between Sanilac and Forester, and to take fractional township number thirteen from the township of Austin, and annex the same to the township of Forester, in the county of Sanilac.

SECTION 1. *The People of the State of Michigan enact, That* sections number nineteen, twenty, twenty-one, twenty-two, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and fractional sections number twenty-three, twenty-six, and thirty-five, of the township of Forester, be and the same are hereby ta- Certain sections taken from Forester and added to Sanilac.

ken from the said township of Forester, and attached to the township of Sanilac.

Township
in Sanilac
county,
taken from
Austin and
added to
Forester.

Sec. 2. That fractional township number thirteen, north of range sixteen east, in the county of Sanilac, be and the same is hereby set off from the township of Austin, and attached to the township of Forester, in the county of Sanilac.

Sec. 3. This act shall take immediate effect.

Approved February 7, 1857.

[No. 65.]

AN ACT to organize the county of Alpena, and to locate the county seat thereof.

Alpena
organized.

SECTION 1. *The People of the State of Michigan enact*, That the county of Alpena shall be organized, and the inhabitants thereof entitled to all the rights and privileges to which, by law, the inhabitants of the other organized counties of this State are entitled.

County seat
established at
Fremont.

Sec. 2. The county seat of said county is hereby established at the village of Fremont, at the mouth of Thunder Bay river, in said county:

Proviso.

Provided, That the proprietors of lands therein shall convey to said county, for the exclusive use thereof, for county buildings and county purposes, free of all charge, the following described lots, to wit: two entire blocks, each twenty-four rods square, lying between Eighth and Ninth streets, and River and Lockwood streets, in the village of Fremont, as surveyed by E. A. Breckenridge, Esq., in the year (1856) eighteen hundred and fifty-six, on section (22) twenty-two, in town (31) thirty-one north of range (8) eight east, in said county.

Election of
county offi-
cers.

Sec. 3. There shall be elected, in the said county of Alpena, on the first Tuesday of November, (1857) eighteen hundred and fifty-seven, all the several county officers to which, by law, the said county is entitled; and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and State officers:

Proviso.

Provided, That the county officers so to be elected shall be qualified, and enter upon the duties of their respective offices, on the first (1) Monday of January (1858) eighteen hundred and fifty-eight and whose term of office will expire at the time prescribed by the general law.

Sec. 4. The board of canvassers of said county, under this act, shall consist of the presiding inspectors of elections from each township therein; and said inspectors shall meet at said village of Fremont, on the first Tuesday after the election, and organize by appointing one of their number chairman, and another secretary, of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in other cases of elections for county and State officers.

Who to constitute the board of canvassers.

Sec. 5. The sheriff and county clerk, elected by the provisions of this act, shall designate a suitable place in the village of Fremont for holding the circuit court in said county, and also suitable places for the several county offices, as near as practicable to the place designated for holding the circuit court; and they shall make and subscribe a certificate in writing, describing the several places thus designated, which certificate shall be filed and preserved by the county clerk; and thereafter the places thus designated shall be the places of holding the circuit court and the county offices, until the board of supervisors provide suitable accommodations for said court and county officers.

Place of holding courts.

Sec. 6. The counties of Alcona, Oscoda, Montmorency, and that portion of the county of Presque Isle lying east of range four east, be and the same are hereby attached to said county of Alpena for judicial and municipal purposes.

Counties attached for judicial purposes.

Sec. 7. All acts, and parts of acts, contravening the provisions of this act, be and the same are hereby repealed.

Repeal of acts.

Approved February 7, 1857.

[No. 66.]

AN ACT in relation to free schools in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That in lieu of the (\$1,500) fifteen hundred dollars mentioned in the (1) first section of an act approved March (12, 1847) twelfth, eighteen hundred forty-seven, and in addition to all other taxes authorized by law to be assessed and levied for school purposes in the city of Detroit, the common council of said city is hereby authorized and empowered to levy and collect a tax not exceeding (\$20,000) twenty thousand dollars in any one year, to be expended in the purchase of lots and in paying for lots already purchased in said city for the use of the public schools

Common council authorized to levy taxes for building school houses.

thereof, and in the erection and building of school houses with the necessary outbuildings and fixtures on any lots now owned by the board of education in said city, or which said board may hereafter acquire.

Tax to be paid to treasurer of board of education.

Said tax when so levied and collected shall be paid to the treasurer of said board, and shall vest in said board for the sole purposes hereinbefore stated; said tax shall be collected in the same manner, and with the same rights, duties, powers and obligations as the general school taxes in said city.

This act is ordered to take immediate effect.

Approved February 7, 1857.

[No. 67.]

AN ACT to authorize the consolidation of the Detroit and Erin and Erin and Mount Clemens plank road companies, under the name of the Detroit and Erin plank road company.

Detroit and Erin R. R. Co. may purchase property of Erin & Mt. Clemens P. R. Co.

SECTION 1. *The People of the State of Michigan enact, That the* said Detroit and Erin plank road company is hereby authorized to purchase all the property, rights and franchises of the Erin and Mount Clemens plank road company, upon such terms as shall be mutually agreed upon, and the shareholders of the said Erin and Mount Clemens plank road company shall, in case of such sale, become shareholders of said Detroit and Erin plank road company, in such proportions as may be agreed upon in the terms of sale, and the said Erin and Mount Clemens plank road company shall thereupon become merged in the said Detroit and Erin plank road company.

Rights of Detroit and Erin P. R. Co.

Sec. 2. In case of the said purchase and consolidation, the Detroit and Erin plank road company shall hold the whole of the said road and property of every kind, subject in all respects to the charter of said Detroit and Erin plank road company, as amended from time to time, and to the provisions of an act relative to plank roads, approved (13) thirteenth March, (1848) eighteen hundred and forty-eight, and to any amendments thereof, and the said Detroit and Erin plank road company, shall have full power and authority to exercise all the powers, privileges and franchises granted in their said charter, or by any law of this State, over the whole line of said roads and property from Detroit to Erin and Mount Clemens, respectively, in like manner as though the

right to construct said roads had been granted in the original charter of said Detroit and Erin plank road company.

Sec. 3. In case of such consolidation, all dues, demands, contracts, and liabilities of the Erin and Mount Clemens plank road company shall remain in full force against the Detroit and Erin plank road company, in like manner as if originally incurred by said company, and all rights of creditors and all liens upon property of either of said corporations, shall be and are hereby preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same.

D. & E. P.
R. Co., to
assume
liabilities of
E. & Mt. C.
P. R. Co.

Sec. 4. No suit or proceeding of any name or nature wherein the said Erin and Mount Clemens plank road company is concerned, or in any wise interested, shall be affected by reason of such consolidation, but the same shall be continued, and the name of the Detroit and Erin plank road company shall be used therein in lieu of the name of the said Erin and Mount Clemens plank road company, and said Detroit and Erin plank road company shall be bound in like manner as if originally named in said suits or proceedings, and all deeds, mortgages and other instruments, and all claims, dues and rights whatsoever, belonging to the said Erin and Mount Clemens plank road company, shall, after said sale and amalgamation, be deemed and held in law to enure and belong to said Detroit and Erin plank road company, in like manner as if the same had originally been made or belonged to said last named company.

Suits not to
be affected
by consol-
idation.

Sec. 5. This act shall take effect and be in force whenever the same shall have been accepted by the respective boards of directors of said companies, which acceptance shall be filed in the office of the Secretary of State; but no contract or agreement for the consolidation of said companies, shall take effect until the same shall have received the assent of two-thirds ($\frac{2}{3}$) of the stockholders of each company, at a meeting of the stockholders called for that purpose.

This act is ordered to take immediate effect.

Approved February 7, 1857.

[No. 68.]

AN ACT amending the fifth section of the twentieth chapter of the revised statutes relative to exemption from taxation.

SECTION 1. *The People of the State of Michigan enact*, That the fifth clause of the fifth section of the twentieth chapter of the revised statutes be amended by inserting after "therein" the following words: "Also the lands on which such houses of worship may stand, so far as actually occupied by such houses of worship, and for no other purpose," so that the clause shall read as follows:

Houses of
public
worship
and lots ex-
empted.

"(5.) All houses of public worship, with the pews or slips and furniture therein; also the land on which such houses of worship may stand, so far as occupied by such houses of worship, and for no other purpose; also the rights of burial and tombs, while in use as repositories of the dead."

Approved February 7, 1857.

[No. 69.]

AN ACT to amend an act entitled an act to incorporate the village of Hastings, approved February thirteenth, eighteen hundred and fifty-five.

Certain sec-
tions strick-
en out.

SECTION 1. *The People of the State of Michigan enact*, That said act be amended by striking out sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), and inserting in lieu thereof the following, to wit:

Officers of
the village;
how elected.

§ 2. The officers of said village shall consist of a president, recorder, treasurer, marshal, street commissioner, attorney, six trustees, and two assessors, who shall be elected by a plurality of votes, by ballot, of the inhabitants of said village, having the qualifications of electors under the constitution of this State; and the common council of said village are hereby authorized to appoint such other officers as may be necessary, under the provisions of this act. The election of officers herein provided for shall be held in said village, at the court-house, on the sec-

Elections;
when and
where held.

ond Monday of March next, and on the second Monday of March in ^{How con-}
 each year thereafter, at such place as may be appointed by the common ducted.
 council. The polls of such election shall be opened between the hours
 of nine and ten o'clock in the forenoon, and shall be continued until
 three o'clock in the afternoon of the same day, and no longer. The
 name of each elector voting at such election shall be written in a poll
 list, to be kept at such election by the common council; after the close
 of the polls at such election, the common council shall proceed, without ^{Canvass of}
 delay, publicly to count the ballots, unopened, and if the number of votes.
 ballots so counted shall exceed the number of electors contained in the
 poll list, the president or recorder, if present, if not, then some other
 person of the common council, shall draw out and destroy, unopened,
 so many of the ballots as shall amount to the excess; and if two or
 more ballots shall be found rolled up, or folded together, they shall not
 be estimated; and thereupon the common council, present at such elec-
 tion, shall proceed immediately and publicly to canvass and estimate the
 votes given at such election, and shall complete the said canvass and
 estimate the same day, or the next day, and shall thereon certify and
 declare the number of votes given for each person voted for, and shall
 make and file a certificate thereof in the office of the recorder of said
 village, within twenty-four hours after the close of said canvass; and
 the person having the greatest number of votes shall be declared duly
 elected: *Provided*, If it shall at any time happen that two or more ^{Proviso.}
 persons shall have an equal number of votes for the same office, the
 common council shall make as many strips of paper, of equal size, as
 there are persons having an equal number of votes, and write a ballot
 for each of such persons, one on each of said strips of paper, and shall
 then put said ballots together in a hat, and one of the members of said
 common council shall then draw from said hat one of said ballots, and the ^{Proceedings}
 person whose name shall be upon the ballot so drawn shall be declared ^{in case of}
 elected: *Provided, also*, That at the first election to be holden in said vil- ^{tie.}
 lage, under this act, there shall be chosen viva voce, by the electors pres- ^{Proviso.}
 ent, two judges and a clerk of said election, each of whom shall take
 an oath or affirmation, to be administered by either of the others, faith-
 fully and honestly to discharge the duties required of him as judge or
 clerk of said election, and shall conduct the same, and certify the result
 in the same manner that the common council are required to do by this
 act.

Notice of elections to be given by recorder.

§ 3. It shall be the duty of the recorder of said village to give ten days public notice, in writing, in three public places in said village, previous to the time of holding such elections, of the time and place of holding all elections, both annual and special, in said village; and every person offering to vote at such election, (before he shall be permitted to vote,) shall, if required by any elector of said village, take an oath complying with the constitutional qualifications of an elector, as required by article seventh, section one, of the constitution of this State, and as required by the laws of this State.

Oath of voters.

Who to administer oaths.

§ 4. The president or recorder of said village is hereby authorized to administer the oath to electors contemplated by the third section of this act; and any person who shall knowingly and falsely take such oath, shall be deemed guilty of perjury, and on conviction thereof shall be liable to the same fines and penalties as are provided for the punishment of that crime by the laws of this state.

Perjury.

Punishment

To be body corporate.

Name.

General powers of corporation.

§ 5. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "the common council of the village of Hastings," and by that name they and their successors in office shall be known in law, and by that name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in all courts of this State, and in any other place whatsoever, and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate, for the use and benefit of said corporation.

Oaths of office.

To be filed.

§ 6. The president, recorder, assessor, treasurer, and all officers provided for in this act, shall take and subscribe the constitutional oath before the recorder, or some judge, circuit court commissioner, notary public or justice of the peace, and file the same with the recorder within two days after notice of their election or appointment, and within ten days after such election or appointment, and the recorder is hereby authorized to administer such oath.

Marshal and treasurer to give bonds.

§ 7. The marshal and treasurer shall severally give bonds to the common council in the penal sum of one thousand dollars, conditioned for the faithful performance of their duties, before entering upon the

duties of their respective offices, with two or more sufficient sureties, to be approved by the common council, and shall file the same with the recorder.

§ 8. The trustees shall hold their offices for two years and until Term of office of trustees. others are elected and qualified; at the first election held after the passage of this act, six trustees shall be elected, and six ballots shall be made, three of which shall have written thereon the words "one year," and three the words "two years," and each of said trustees so elected at such election, shall therefrom (thereupon) draw out of said box, one of said ballots, and shall hold his office one or two years, as shall be indicated by the ballot by him drawn, and in each year thereafter three trustees shall be annually elected.

§ 9. The president, recorder, assessor, marshal, street commissioner, attorney, treasurer, and such other officers as shall be appointed Terms of office of other officers. by the common council, shall hold their offices for one year, and until others are elected or appointed and qualified.

§ 10. The president, recorder and trustees, when assembled together and organized, shall constitute the common council of the village Who to constitute common council. of Hastings, and a majority shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings Meetings of common council. at such time and place as the president, or in his absence the recorder may appoint, and shall have power to impose, levy and collect such fines as they may deem proper, for the non-attendance of members of Fines for non-attendance of members. said council, or of any officers whose attendance is required: *Provided*, No such fine shall exceed the sum of five dollars for any one offence.

§ 11. In case of the death, resignation or removal of any of the Vacancies; how filled. officers provided for in this act, such vacancy shall be announced to the members of the common council by the president or recorder, and the said council shall, thereupon convene, as soon as may be, and order an election to be held to fill such vacancy, at any time within one month, and not less than one week after such vacancy has occurred; and the same notice shall be given of such election and the same shall be conducted in the same manner, as is provided for annual elections: *Pro-Provided however,* That the common council shall have power to fill vacancies that may occur in any of the offices except trustees, if within three months of the annual election. Every appointment so made by them,

shall be by resolution, duly recorded, and a certificate of such appointment, signed by the president, shall be filed with the recorder, and the officers so appointed shall be qualified as aforesaid, and perform the duties of their respective offices.

Removals
from office.

§ 12. The common council shall have power to remove at pleasure any officers by them appointed.

Powers and
duties of
common
council.

§ 13. The common council shall have power to make by-laws or ordinances relative to, and regulating the duties, powers and fees of the marshal, treasurer, assessors and other officers, relative to the time and manner of working upon streets, lanes and alleys; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; relative to the manner of grading, railing, planking and paving all side-walks in said village, and to setting and providing posts and shade trees, in all streets, lanes and alleys in said village; to lay out, grade and repair all streets, lanes and alleys, and to construct, make and repair all bridges in said village, and for preventing the same from being obstructed, and for the prevention and abatement of all nuisances within said village.

Further
powers and
duties of
common
council.

§ 14. The common council shall have power to make all such by-laws as may be necessary to secure the said village and the inhabitants thereof against injuries by fires, and to prevent persons from violating the public peace, for the suppression of riots, gambling, and other disorderly conduct, and for the punishment of the same; for the apprehension and punishment of all drunkards, vagrants, and idle persons; and they shall have power to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines and penalties, and forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

Duties of
president.

§ 15. It shall be the duty of the president to preside at all meetings of the common council, and to attend at the annual election of the officers; the president shall sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasurer of said village.

Duties of
recorder.

§ 16. The recorder shall attend all meetings of the common council, and keep an accurate and fair record of their proceedings; and in

the absence of the president, shall preside and perform his duties, or the common council may appoint a president *pro tempore*.

§ 17. The recorder shall, within five days after the closing of the polls of any election, notify the officers, respectively, of their election. Recorder to notify officers of their election.

§ 18. The common council shall have exclusive power and authority, within the provisions of the laws of this State, to license such persons as tavern-keepers and common victuallers, as they may from time to time deem advisable and proper within said village, under such regulations and restrictions as the common council shall by public ordinance establish; and licenses provided for in this section shall expire on the second Monday of April in each year. The common council shall have power to regulate the selling and measuring of firewood, and the weighing of hay, and to prescribe and designate the stand for carters and carts for wood, hay and produce, exposed for sale in said village; to prevent and punish persons for immoderate driving in any of the streets, lanes or alleys of said village; to regulate and prohibit bathing in any of the public waters of said village; to prevent the obstructing or encumbering the sidewalks, public grounds or squares of said village; to remove all nuisances, and to regulate all graveyards for the burial of the dead in said village. Common council to have exclusive power to grant licenses. Other powers.

§ 19. The common council shall have power to establish the line upon which buildings may be erected, and beyond which buildings shall not extend; to establish and organize all such fire companies, hose, and hook and ladder companies, and to provide them with the proper engines and other implements, as shall be necessary to extinguish fire, and preserve the property of the inhabitants from conflagration; to enroll and warn out so many of the inhabitants willing to accept the same, as firemen, as they shall think necessary: *Provided*, Such numbers shall not exceed sixty for any one company; and to provide suitable wells, cisterns, or other means for furnishing water to extinguish fires in said village. Powers of common council relative to buildings, fires, fire companies. Proviso.

§ 20. The common council shall have power to establish a suitable pound, and to regulate the taking up and impounding animals, and to make such by-laws and ordinances relative to animals running at large in said village, as they shall think proper; to make such regulations as are proper to preserve the health of the inhabitants of said village, and to prevent the spread of contagious diseases. Pounds. Animals. Public health.

- Money tax-
es.** § 21. The common council shall have power and authority to levy, assess and collect a money tax upon all real and personal property in said village; but such money tax upon said property, shall not exceed in any one year, one-half of one per centum upon the valuation of said real and personal property; and said common council may also assess
- Highway
taxes.** and collect a highway tax in addition to the money tax aforesaid, not exceeding the rate of one day's work for every two hundred dollars' valuation of such real and personal property; to levy and collect a capitation
- Poll tax** or poll tax upon every male inhabitant of said village over the age of twenty-one years and under the age of fifty years, not exceeding seventy-five cents per annum, upon each person so taxed.
- Drains.** § 22. The common council shall have power to construct all such drains in such village as they may think the public good may require, and to compel the owner or occupant of land, at their own expense, to construct, make, grade, pave, plank, or gravel and curb, and rail all side-
- Side-walks.** walks adjoining such land, by ordinance and with suitable penalties, or by assessing the same upon said land, in the same manner as is provided herein for the assessment and collection of taxes; and the common council shall have full power and authority to cause such assessment to be collected in the same manner as is by this act provided for the collection of other taxes; and the common council may, at the ex-
- Streets, &c.** pense of the said corporation, construct all walks, across all streets, lanes and alleys and public squares in said village.
- Tax roll.** § 23. The common council, from the original assessment roll, shall make a duplicate, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, and setting down in separate columns the amount of money tax, the amount of highway tax, and the amount of
- Warrant.** poll tax, which duplicate shall be signed by the president and recorder, and shall be delivered to the marshal, on or before the fifteenth day of May, in each year, with the warrant thereto attached, specifying the time within which the taxes therein named shall be collected, which time shall not exceed ninety days from the date of such warrant; but such time may be extended by a renewal of the warrant under the hand of the president and recorder, for a time not to exceed one hundred and fifty days from the date of the original warrant, and the marshal shall

collect the same within the time specified in his warrant, and in such manner as the by-laws shall direct. Collection of tax roll.

§ 24. The common council shall, at the expiration of each year, cause to be published a just and true account of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof, previous to which they shall settle and audit the accounts of all officers of the village, or other persons having claims against the corporation or accounts with it, and shall make out in detail a statement of all the receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the moneys expended under such appropriations, the amount of tax raised, both money and highway and poll tax, and the amount expended upon highways, streets and bridges, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village. Common council to make annual statement. Statement; what to contain.

§ 25. The common council shall cause the expenses of opening and surveying all streets, to be paid as other contingent expenses of said village are paid. Payment of expenses.

§ 26. Whenever the common council shall lay out any new streets, lanes or alleys, or alter any old one, if the person owning the land through which such street, lane or alley, when so laid out or altered shall pass, shall object thereto, and the common council cannot agree with such person as to the amount of damages to be paid for such right of way, the common council, or any person owning such land, his agent or attorney, may file a petition setting forth the line and boundary of such street, lane or alley, with any justice of the peace, and the said justice of the peace shall thereon appoint a day, not more than twelve nor less than six days from the filing of said petition, for the hearing of the same, and may, if either party require it, cause a jury of twelve disinterested freeholders to be summoned to hear and determine upon the necessity of using such property, and the amount of damage to be allowed, and the verdict of the jury or judgment of the justice of the peace shall be conclusive as to the amount to be paid, and when the amount of said verdict or judgment shall be paid or tendered to the person entitled to the same after the right to appeal shall expire, the right of way described in said petition shall immediately vest in the common Laying out new streets, &c. Proceedings upon taking property for public use.

- Proviso.** council: *Provided, however,* Either party may appeal to the circuit court, as in other cases, and in case of appeal, the judgment of the circuit court thereon shall be final; and the common council shall, on the filing of such petition, make an offer of the amount which they will give to such person so interested, and objecting for such right of way, and if the person shall not recover a judgment or verdict before the justice of the peace for a greater sum, such person shall pay all the costs, and if the person shall recover more than the amount so offered, then the corporation shall be liable for and pay all costs; and if such case be appealed to the circuit court, then the right of way shall vest in the common council; upon the treasurer of said village paying or tendering the amount of such judgment to the person entitled to the same, either party filing such petition as is provided for in this section, shall give security for all the costs that may accrue in the case, in such manner as securities are required to be given by the plaintiffs in civil cases before justices of the peace; and execution may issue to collect the amount thereof against such security, in case the party giving such security shall, by the judgment of the justice of the peace, or of the circuit court in case the same is appealed, become liable to pay such costs. A profile of such street, lane or alley, describing the boundaries thereof, shall be filed in the office of the recorder, and a copy thereof filed in the office of the register of deeds of the county of Barry, duly attested by the recorder, under the seal of the said common council.
- Appeal.**
- Security for costs.**
- Profile of street to be filed.**
- Commutation for highway labor.** § 27. Any person assessed for highway taxes in said village, may commute therefor by paying to the marshal of said village at the time such person shall be required to work the same, at the rate of seventy-five cents for each day assessed, and all highway taxes shall be estimated by the common council at the rate of seventy-five cents per day; and persons working upon the highway shall be required to work thereon not less than ten hours for each day's work.
- Obstructing streets.** § 28. Any person obstructing any street, lane or alley in said village, or any part thereof used or to be used for side walks, who shall neglect or refuse to remove such obstruction after one day's notice, shall
- Forfeiture.** forfeit and pay for the use of said village, the sum of five dollars and costs of suit, for each day of such refusal or neglect to remove such obstruction; and the common council may forthwith, after such notice,
- Removing obstruction.** cause such obstruction to be removed at the expense of the person ob-

structing the same, or of any person interested in maintaining and keeping up such obstruction.

§ 29. The assessors of said village shall, once in each year, and before the second Monday in April, make an assessment roll containing a description of all the property, both real and personal, in said village, and the name of the owner or occupant or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be so made and completed, they shall give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, or by posting written notices in three public places in said village, stating the place where such roll is left for the inspection of all persons interested, and of the time when and the place where they will meet to hear the objections of any persons interested in the valuation so made by them; and at the time and place so appointed the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown on oath to the satisfaction of the assessors, which oath the assessors are hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of the assessors, such person shall have the right of appealing from such decision at any time within ten days thereafter to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation; and the common council may, at any time before the tax is collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll.

Assessment roll.

Notice of hearing of objections.

Review of roll.

Appeal from decision of assessors to common council.

Sec. 2. Also, that the following sections be added to said act as follows, to wit:

New sections added.

§ 30. Every assessment of any tax lawfully imposed or levied by the common council on any lands, tenements and hereditaments, or premises whatever, in said village, shall be and remain a lien on such lands, tenements, hereditaments and premises, from the time of making such assessments, or imposing such tax, until paid; and the owner, or occupant, or parties interested respectively in said real estate, shall be liable, on demand, to pay every assessment or tax so made or imposed

Taxes and assessments to be a lien.

as aforesaid; and in default of the payment of such tax, or any part thereof, it shall be lawful for the said marshal to seize upon, remove and sell the personal property of such owner or occupant, or to sell such real estate, sufficient to pay and satisfy such taxes, and the charges which may accrue; and it shall be lawful for the marshal of said village, in default of the payment of any tax imposed by the common council upon any inhabitant of said village, or any person owning any property in said village, to levy upon, seize, remove, and sell, the personal property of such inhabitant or person so owning such property, sufficient to pay and satisfy such tax and the cost of such levy and sale; all sales of personal property, as herein provided for, shall be made in the same manner, and upon the like notice, as is prescribed by the laws of this State for constable sales.

Sale of personal & real property for taxes.

Sales; how made.

Duties of marshal.

Compensation of marshal.

§ 31. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and perform such other services as may be required of him under and by virtue of this act, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services, and shall be entitled, for and in the performance of his duties, to the same privileges, and be subject to the same liabilities, as constables are entitled to and subject to by the laws of this State.

Marshal to pay over moneys.

§ 32. The marshal shall pay over all moneys by him received, by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time and in such manner as the common council may direct.

Duties of marshal in relation to drunken and other persons.

§ 33. It shall be the duty of the marshal to arrest any drunken or disorderly, brawling or riotous person or persons, or any other person whom he may find within said village disturbing the peace of the inhabitants thereof, and to take such person or persons before any justice of the peace within said village; and the said justice of the peace shall thereupon proceed to hear, try and determine the matter, upon proof, in a summary manner, and upon conviction of said person or persons, may sentence such person to pay a fine of not more than five dollars and cost, or to be committed to imprisonment in the county jail not more than ten days, or both such fine and imprisonment at his discre-

tion, and may further require such person to enter into recognizance in a sum not exceeding fifty dollars, to keep the peace, and for his good behavior for six months thereafter; and the sheriff of said county of Barry, is hereby authorized and required to receive, and safely keep in jail such person so committed, such time as is specified in the warrant of commitment, upon the same terms as provided for similar offences by the laws of this State.

§ 34. The marshal shall have the general supervision of the streets, lanes and alleys, and side-walks in said village, under the direction of the common council, and shall see that the by-laws and ordinances of said village are duly and properly observed within said village, and shall perform such other duties as the common council may direct, and shall receive such compensation for such services as the common council shall allow. Duties of marshal in relation to streets, &c.

§ 35. Whenever any real estate shall be sold by said marshal for taxes, notice thereof shall be published in a newspaper printed in said village, once in each week, for at least four weeks, or by posting written notices in three public places in said village, for at least four weeks; and the said marshal shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the amount for which it was sold, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to the said lands described in the sale, or some person claiming an interest therein, shall not, within one year from the date thereof, pay the treasurer of said village for deeds of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent. per annum, from the date of such certificate and sale, the marshal or his successor in office shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon; and the said conveyance shall be prima facie evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the land by the assessors to the date of the deed, inclusive; and every such conveyance, executed by said marshal under his hand and seal, and witnessed and acknowledged by the proper officers, and recorded in the proper Notice of tax sales. Certificate of sale; what to contain. Redemption Deed. Effect of deed.

Common council may cancel certificate in certain cases.

form, may be given in evidence in the same manner, and with like effect, as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold shall be sold in such manner as the common council may direct; and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned by mistake, or otherwise improperly, or for any other irregularity in the return and sale of such real estate, cancel the certificate of sale before the same has been deeded, and may thereupon draw a warrant upon the treasurer for the amount of purchase money and seven per cent. interest, and no deed shall thereupon be given upon such certificate of sale.

Powers of fire companies.

§ 36. Each fire, hose, and hook and ladder company of said village, shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and impose and collect such fines for the non-attendance and neglect of duty of the members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as

Exemption of firemen.

such, shall be exempt from serving on juries, and working a poll tax upon the highway or streets of said village; and it shall be the duty of

Duties of fire companies.

every fire company to keep in good and perfect repair the fire-engines, hose, ladder, and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by said common council, for the purpose of working or examining said engine and other implements, with a view to their perfect order and repair; upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing such fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire; and the common council shall have the power, for the more perfect organization

Common council may appoint fire wardens

of the fire department of said village, to appoint fire wardens, who shall be clothed with such powers, and be subject to such duties relative

to the prevention of fires in said village, as the common council shall by ordinance direct; and the president, recorder and marshal shall respectively have power to compel any bystander at any fire in said village, to assist and aid in the extinguishing thereof; and any person neglecting or refusing obedience to the orders of said president, recorder or marshal, shall forfeit and pay to the use of said village, a sum not less than five nor more than ten dollars for each offense.

Forfeiture for disobedience of orders at fire.

§ 37. The declaration in any suit instituted to recover any penalty or penalties, forfeiture or forfeitures, incurred as provided for in this act, may be in the following form, to wit: "The common council of the village of Hastings complains of and says that the said justly owes to the said common council the sum of dollars, for certain penalties and forfeitures which the said has incurred and is justly entitled to pay, by reason that the said did on the day of in the year and at divers other times within one year last past, in the village of Hastings in the county of Barry, in the State of Michigan, do and commit certain acts in violation of the laws relating to the village of Hastings touching (here state the general nature of the act or acts complained of,) and therefore the said common council bring suit;" and the defendant may plead thereto as follows, to wit: "The said is not indebted to the said common council, as above alleged;" and under such declaration evidence may be given of any violation of the provisions of this act of incorporation, or of any by-law or ordinance made in pursuance thereof, and judgment may be rendered thereon for so many distinct violations of the provisions of said act, or the said by-laws or ordinances as shall be proven: *Provided*, No justice of the peace shall render judgment for a greater sum than one hundred dollars in any one suit, and under such plea the defendant may give any competent testimony in exemption of such charge; and the court before whom such suit is brought, and such judgment recorded, may forthwith issue an execution against the goods and chattels of the defendant, and for want thereof against the body of the defendant in like manner and with like effect as similar executions may be issued under the laws of this State: *Provided, however*, That any such defendant may, by one or more sufficient sureties, within five days, stay such judgment and execution in the same manner, and with like effect

Form of declaration to recover forfeitures.

Form of plea.

Evidence.

Limitation.

Justice may issue execution forthwith and against body

Stay of execution.

as other executions may be stayed by the laws of this State: *And provided, also,* That such suit, if before a justice of the peace, may be appealed to the circuit court as in other cases.

Appeal.

Shows prohibited unless licensed.

§ 38. No person or persons shall exhibit within said village, any circus, menagerie, theater or theatrical performance, or common show, without being first duly licensed therefor by the common council, under a penalty of fifty dollars for every offense, and to be imprisoned in the county jail for thirty days, and until such penalty shall be paid or shall be discharged by law; and the common council shall in no case grant a license to any circus for a less sum than fifteen dollars.

Penalty.

Penalty for offering to exhibit.

§ 39. Any person offering to exhibit any such circus, theatre, theatrical performance, menagerie or common shows, without such license, may be forthwith arrested by the marshal or any constable residing in said county, and brought before any court having jurisdiction thereof; and upon conviction thereof shall be fined the sum of fifty dollars, and stand committed to the county jail until paid, or until he be discharged according to law.

Gambling.

§ 40. Any person who shall keep any gambling house or place of resort for persons to gamble, within said village, and all persons who shall resort to any such place and gamble, or for the purpose of gambling, shall forfeit and pay for the use of said village, a sum not to exceed twenty-five dollars for each and every offence.

Forfeiture.

Persons not incompetent in consequence of being citizens or inhabitants of village.

§ 41. In all prosecutions, processes, and other proceedings, wherein the common council of said village shall be a party, no inhabitant or citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such inhabitant or citizen in the event of such proceedings:

Proviso.

Provided, That such interest be only that which exists in common with the citizens of said village. Whenever any action or suit shall be

Commencement of suits against corporation.

commenced against said corporation, the same shall be commenced by summons, which shall be served by leaving a copy thereof with the recorder at his office, or in case of his absence therefrom, at his usual place of residence, at least six days before the return day thereof, and the recorder shall thereupon inform the common council thereof.

First process may be by warrant to recover fines, &c.

§ 42. In all prosecutions for fines, penalties or forfeitures, as is provided for in this act, the first process may be by warrant or summons, and shall be served and returnable in like manner, and the same proceedings may be had, as near as may be, as other proceedings of a sim-

ilar kind, under the laws of this State; any justice of the peace of the township of Hastings is hereby authorized and empowered to hear and determine all offenses which shall be commenced within the limits of said village against any of the provisions of this act, or against any of the by-laws or ordinances passed by the common council in pursuance thereof, and to punish the offender or offenders, as is prescribed by this act, or by the by-laws or ordinances of said village: *Provided*, That any person arrested for violating any of the provisions aforesaid, may demand trial by jury.

Justices of township of Hastings may hear and try for offences committed in village.

§ 43. The recorder, treasurer, marshal, assessors, attorney, street commissioner, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the common council shall allow, but the president and trustees shall receive no pecuniary compensation.

Compensation of officers.

§ 44. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as is herein otherwise provided.

Inhabitants, to laws relating to township government.

§ 45. Before any by-laws or ordinances of said village shall take effect, they shall receive at least three insertions in a public newspaper printed in said village, if any newspaper is printed therein, and if not, by posting written notices in three public places in said village for three weeks; and the printed copy so published, or the written notice so posted, under the authority of the common council, shall be admitted as *prima facie* evidence thereof in all courts of this State, when the same may come in question.

By-laws and ordinances to be published before they take effect.

Sec. 3. Nothing in this act shall be construed as rendering illegal any action of the common council or other officers of the said village of Hastings, previously had under the act to which this act is amendatory thereto.

Previous proceedings not to be rendered illegal by this act.

Sec. 4. This act shall take effect immediately.

Immediate effect.

Approved February 9, 1857.

[No. 70.]

AN ACT to provide for laying out and establishing a certain State road in the counties of Kent, Newaygo and Mecosta.

SECTION 1. *The People of the State of Michigan enact*, That Major D. Worden, Charles P. Smith and John Smith, second, be and

Commissioners appointed.

Route of
road.

they are hereby appointed commissioners, to lay out and establish a State road, commencing in the State road running from Grand Rapids, to Greenville, at or near the quarter section corner between sections eleven and twelve, in township eight north of range eleven west, running thence northerly on the most direct and practicable route to the "Big Rapids" of the Muskegon river, in the county of Mecosta.

Survey of
road to be
filed and re-
corded.

Sec. 2. That the above named commissioners shall file so much of the survey of said road, in the office of the township clerk, of each township through which said road shall pass, as shall be laid out in said township, and it shall be the duty of the several township clerks to record the same in their respective offices, and post such notice as shall be required by law.

Duties of
highway
commis-
sioners.

Sec. 3. That it shall be the duty of the commissioners of highways in any organized township through which said road may pass, to open and work the same, in the same manner, and by virtue of the same law, as township roads are required to be opened and worked.

Proceedings
when dam-
ages are
claimed.

Sec. 4. That in all cases in which damages may be claimed, by reason of the laying out and establishing of said road, the same proceedings shall be had thereon as may be required by the laws in force at the time such claim is made, for the assessment of damages in case of roads laid out by township commissioners.

Certain
highway
taxes to be
expended.

Sec. 5. That all the non-resident highway tax, on any lands which may be returned by the township treasurer, on each and every section on and through which said road shall be laid out and established, for the year eighteen hundred and fifty-seven, and two years thereafter, shall be laid out and expended in opening, bridging and repairing said road, by and under the control of the commissioners of highways, in the same manner that non-resident highway moneys are appropriated by law.

State not
liable for ex-
penses.

Sec. 6. That the State shall not be liable for any expenses incurred or damages sustained by reason of this act, and if said road is not laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 7. This act shall take effect immediately.

Approved February 9, 1857.

[No. 71.]

AN ACT to provide for the collection of taxes in the township of Copper Harbor, in the county of Houghton, for the year eighteen hundred and fifty six, and to extend the time for the collection thereof.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the township of Copper Harbor, in the county of Houghton, for the year eighteen hundred and fifty-six, be and the same is hereby declared to be as legal and valid as if the same had been made out and delivered to the township treasurer at the time prescribed by law. Tax roll legalized.

Sec. 2. The treasurer of said township of Copper Harbor shall have until the first day of June next in which to collect and account for the said taxes, and to make return to the county treasurer of all unpaid taxes; and his said collections and returns shall be in all respects as valid and effectual as if made in the manner and within the time prescribed by law for the collection of the regular annual taxes. Time of extension.

Sec. 3. A transcript of all unpaid taxes, returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the auditor general within the first twenty days of the month of June next, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner, and with the interest computed from the same time, as the annual taxes for the year eighteen hundred and fifty-six, duly returned to the auditor general for non-payment. Transcript of unpaid taxes to be returned.

Sec. 4. Nothing contained in this act shall be construed to prevent the treasurer of said township from making his returns at any time before the said first day of June, if he shall deem it advisable so to do. Treasurer may make return before.

Sec. 5. This act is ordered to take immediate effect.

Approved February 9, 1857.

[No. 72.]

AN ACT amendatory to the several acts in relation to the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute.

SECTION 1. *The People of the State of Michigan enact*, That the act entitled an act to amend an act entitled an act amendatory to the several acts incorporating the trustees of the Wesleyan Seminary at Albion, approved February seventeen, eighteen hundred and forty-five, Act approved Feb. 17, 1845. amended.

is hereby amended by adding a new section to said act, which shall stand as section number one of said act, in the following words:

Title. "Sec. 1. That the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute, shall hereafter be known under the style, title and name of the Wesleyan Seminary and Female College at Albion."

Section one amended. Sec. 2. That section one of the act above recited shall be numbered section two, and amended by adding thereto, so that said section, as amended, shall read as follows:

Certain words stricken out. "Sec. 2. That the words, 'the said trustees shall have power to fill all vacancies in their own board,' in the first and second lines of section three of an act entitled an act amendatory to the several acts incorporating the trustees of the Wesleyan Seminary at Albion, approved March sixth, eighteen hundred and forty-one, be stricken out, and said that section be amended so as to read as follows: 'That the

Power of filling vacancies conferred upon annual conference. power to fill all vacancies occurring in the board of trustees of the Wesleyan Seminary and Female College at Albion, by removal, death, expiration of the term of office, or otherwise, is hereby and hereafter vested in the Michigan annual conference of the Methodist Episcopal Church, and also in the Detroit annual conference of the Methodist Episcopal Church, in equal moieties, all provisions in the act to which this act is amendatory to the contrary notwithstanding. At the session of the Michigan annual conference of the Methodist Episcopal Church, to be held in the year eighteen hundred and fifty-seven, said

Election of trustees. Michigan conference shall elect two trustees, by ballot, of said seminary and college, and shall in like manner elect two trustees at each succeeding annual session of said conference; each of such trustees shall

Term of office of trustees. hold his office for three years, and until his successor shall have been elected. The Detroit conference of the Methodist Episcopal Church shall, in like manner, at the session thereof, to be held in the year eighteen hundred and fifty-seven, elect two trustees of said seminary and college, and shall in like manner elect two trustees at each succeeding annual session of said conference, each of whom shall hold his office for

Proviso. three years, and until his successor shall have been elected: *Provided*, The trustees now in office shall continue in said office during the terms for which they have been elected, according to their respective classification. Each trustee so elected shall receive a certificate from the sec-

retary of said conference; which certificate shall be recorded in the register's office in the county of Calhoun; and said trustees shall have power to make by-laws for their own government, to elect or appoint the faculty of said seminary and college, to prescribe the course of study, to attend the examinations, and regulate the government and instructions of the students, and manage the affairs of said corporation in such manner as they may think best calculated to promote and carry out the objects contemplated in this act."

Power of trustees.

Sec. 3. The president of said seminary and college shall be elected by the board of trustees, and by virtue of his office of president shall be ex officio a member of said board, so that the whole number of trustees of said seminary and college shall be thirteen and no more.

President elected by board of trustees.

Approved February 9, 1857.

[No. 73.]

AN ACT to provide for the election of a board of trustees for each of the Michigan Asylums.

SECTION 1. *The People of the State of Michigan enact*, That the Governor, by and with the advice and consent of the Senate and House of Representatives in joint convention assembled, shall, during the session of the Legislature in the year eighteen hundred and fifty-seven, appoint three trustees of the Michigan Asylum for the Deaf, Dumb and Blind, to hold their offices as follows, to wit: one shall be elected for the term of six years, one shall be elected for the term of four years, and one for the term of two years, whose term of office shall commence on the second Tuesday of February of the year in which they are elected, and shall continue until their successors are appointed and qualified, and who shall constitute the board of trustees of the said Asylum; and at each succeeding session of the Legislature, there shall be appointed in like manner, one trustee who shall hold his office six years and until his successor is appointed and qualified. The Legislature shall also fill by election as aforesaid, all vacancies that may occur in said board.

Governor to appoint trustees by and with advice and consent of Senate and House of Representatives.

Terms of office.

Vacancies.

Sec. 2. There shall also be appointed as provided in the foregoing section, three trustees of the Michigan Asylum for the Insane; one shall be appointed for the term of six years, one for the term of four years, and one for the term of two years, whose term of office shall commence

Appointment of trustees for Insane Asylum.

Terms of
office.

on the second Tuesday of February of the year in which they are appointed, and continue until their successors are appointed and qualified, who shall constitute the board of trustees of said Asylum; and at each succeeding session of the Legislature thereafter, there shall be appointed in like manner one trustee, who shall hold his office six years, and until his successor is appointed and qualified; and the Legislature shall fill by appointment as aforesaid, all vacancies that may occur in said board.

Power of
Governor to
fill vacancies

Sec. 3. The Governor shall have power, and it shall be his duty, whenever any vacancy shall occur in either of said boards, by death, removal or otherwise, to appoint some suitable person or persons to fill such vacancy, who shall hold their office until the next session of the Legislature, and until such vacancy shall be filled by the Legislature.

Powers and
duties of
boards of
trustees.

Sec. 4. The said board of trustees of the Asylum for the Deaf, Dumb and Blind, shall have the sole and exclusive control and management of said Asylum and its affairs, in as full and ample manner as the existing board of trustees; and the said board of trustees of the Asylum for the Insane shall have like control of said Asylum and all its affairs.

Sec. 5. This act is ordered to take immediate effect.

Approved February 9, 1857.

[No. 74.]

AN ACT to authorize mining corporations to increase the number of shares into which their capital stocks may be divided.

Powers of
corporation
to increase
stock.

SECTION 1. *The People of the State of Michigan enact*, That all mining corporations heretofore created by special acts of incorporation passed by the legislature of this State, and duly organized under the same, shall have authority, each, respectively, to increase the number of shares into which their capital stocks are divided, to such number as they may see fit: *Provided*, That no company shall divide its capital stock into more than twenty thousand shares, nor shall the capital stock of any such company be increased by this act: *And provided further*, That the said shares shall not be reduced below twenty-five dollars each.

Proviso.

Increase not
to take effect
until cor-
poration has
accepted

Sec. 2. No increase of the shares of the capital stock of any mining corporation shall take effect under this act, until such corporation shall have accepted of its provisions, by resolution of the board of directors,

and shall have filed in the office of the Secretary of State a certified copy of such resolution, and also a certificate of the secretary of such corporation, showing the number of shares into which its capital stock is to be divided under this act. provisions of this act.

Sec. 3. This act shall take immediate effect.

Approved February 9, 1857.

[No. 75.]

AN ACT to amend an act entitled an act to provide for the incorporation of railroad companies, approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled an act to provide for the incorporation of railroad companies, approved February twelfth, eighteen hundred and fifty-five, be so amended as to read as follows: Section 2, amended.

“Sec. 2. A copy of any articles of association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, and certified by the Secretary of State to be a copy, shall, in all courts and places, be presumptive evidence of the incorporation of such company, and of all the facts therein stated; and all articles of association, filed in pursuance of this act, together with all subsequent alterations and amendments thereof, and also the affidavit annexed thereto, shall be forthwith recorded in the office of the Secretary of State, in a book to be provided by him for that purpose; said record to be made at the expense of the company filing the same, and as soon as the copy of the articles of association are filed as above provided, the company filing the same may at once proceed to construct, operate and maintain their said railroad.” Copy of articles of association to be presumptive evidence. Articles and amendments & affidavits annexed, to be recorded in office of Secretary of State.

Approved February 9, 1857.

[No. 76.]

AN ACT to amend section fifteen of an act entitled an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver or other ores and minerals, and for other manufacturing purposes, approved February fifth, eighteen hundred and fifty-three.

Section 15,
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes, approved February fifth, eighteen hundred and fifty-three, shall be amended so as to read as follows:

Power to
hold real
and personal
estate.

Proviso.

“Sec. 15. Every such corporation shall by their name have power to acquire and hold all such real and personal estate as shall be necessary for the purposes of carrying on the business of such corporation: *Provided*, That their real estate shall not exceed three thousand acres, unless such corporation is organized for the purpose of iron mining or manufacturing, in which case their real estate shall not exceed ten thousand acres.”

Sec. 2. This act shall take effect immediately.

Approved February 9, 1857.

[No. 77.]

AN ACT to provide for the laying out and establishing of a certain State road in the counties of Midland, Isabella and Gratiot.

Commissioners appointed.

Route of
road.

SECTION 1. *The People of the State of Michigan enact*, That Charles Cronkright, of Midland county, Alfred M. Merrill, of Isabella county, and Ralph Ely, of Gratiot county, be and they are hereby appointed commissioners to lay out and establish a State road, commencing at Midland city, in the county of Midland, thence on the most eligible route to the county seat of Isabella county, in town fourteen north, of range number five west, thence to Albany, on the Chippewa river, thence on the most eligible route to the village of Alma, in Gratiot county, thence on the most eligible route to the State road running from Saginaw City to Midland City, thence to St. Louis, Ithaca and St. John's; also, from Alma, on the most eligible route to the south line of Gratiot county, near the Maple Rapids, so called.

Sec. 2. It shall be the duty of said commissioners, or a majority of Duty of commissioners. them, on or before the first day of August, eighteen hundred and fifty-seven, to assemble and proceed to lay out and establish said road, and cause the same to be surveyed, and cause a description thereof to be filed with the township clerk of each of the respective townships on the line thereof, so far as said road shall run through each of the respective townships, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of said road.

Sec. 3. The proper authorities of each of the several townships or towns through which said road shall run, may grant to a plank road Towns may grant right of way. company or companies the right of way, and such right of way may be required (acquired) by any such company in the same manner and form as is provided by law in similar cases.

Sec. 4. The right of way for any such road through any lands be- Right of way thro' lands of State. longing to the State, be and is hereby granted and confirmed to the township in which such lands shall lie.

Sec. 5. The said commissioners shall be paid each the sum of one dol- Compensation of commissioners. lar and fifty cents per diem for their services, and the same shall be paid by the respective townships: *Provided*, No township shall pay to said Proviso. commissioners for any services or time rendered or expended in any other township.

Sec. 6. For the purpose of improving said road, there shall be appro- Certain taxes appropriated. priated all such of the non-resident highway taxes of the year eighteen hundred and fifty-seven, and for three years thereafter, as may be collected for the several organized townships through which said road may pass, except the non-resident highway taxes of the east half of the townships of Arcadia, Newark and Fulton in the county of Gratiot, and the highway commissioners of the several organized townships through which said road may pass, are required to spend said appropriation on said road.

Sec. 7. The State shall not be liable for any expenses incurred or State not liable for expenses. damages sustained by reason of this act; and in case the road mentioned in this act shall not be laid out and established within three years from the passage of this act, the provisions therein contained shall be void.

Sec. 8. The commissioners appointed by this act may make applica- Application for appointment of special com- tion to any judge of the circuit court, either in vacation or term time, for

missioners to assess damages, &c. the appointment of three commissioners, whose duty it shall be when private property is taken for said road, to ascertain the necessity for taking such property, and appraise the damage thereon, if any is claimed; and the necessity for taking such property, and the just compensation therefor, shall be certified to in writing by said commissioners, and the certificate filed in the office of register of deeds for the county in which such property is situated.

Sec. 9. This act shall take immediate effect.

Approved February 10, 1857.

[No. 78.]

AN ACT to provide for laying out a State road in the counties of Montcalm, Ionia and Kent.

Commissioners appointed.

SECTION 1. *The People of the State of Michigan enact, That* R. K. Divine, of Montcalm county, Abner Wright, of Ionia county, and Ephraim J. Booth, of Kent county, be and the same are hereby appointed commissioners to lay out and establish a State road from Greenville, in the county of Montcalm, thence running south, on the most eligible route, to intersect a road on the west half of section thirty-four, town nine (9) north, of range eight (8) west; thence on the most eligible route, crossing Flat River at Brosse's Rapids; thence running south on the most eligible route to intersect the Grand River Road; thence west to Lowell, Kent county.

Route of road.

Duties of commissioners.

Sec. 2. It shall be the duty of said commissioners to lay out and establish said road, and cause the same to be surveyed, and a description thereof to be filed with the township clerk of each of the respective townships on the line thereof, so far as said road shall run through each of the respective townships, whose duty it shall be to record the same; and such record shall be prima facie evidence of the existence of said road.

Townships may grant right of way.

Sec. 3. The proper authorities of each of the several towns through which said road shall run, may grant to a plank road company or companies the right of way; and such right of way may be acquired by any such company, in the same manner and form as is now provided by law in similar cases.

Sec. 4. The right of way for any such road, through any lands belonging to the State, be and is hereby granted and confirmed to the townships in which such lands shall lie.

Right of way thro' State lands granted.

Sec. 5. The commissioners appointed by this act may make application to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be, when private property is taken for said road, to ascertain the necessity for taking such property, and appraise the damage thereon, if any is claimed; and the necessity for the taking of such property, and the compensation therefor, shall be certified to by said commissioners, and the certificate filed in the office of register of deeds for the county in which such land is situated.

Application for appointment of special commissioners to appraise damages, &c.

Sec. 6. The commissioners and surveyor shall be paid by the respective townships: *Provided*, No township shall pay to said commissioners or surveyor for any services or time rendered or expended in any other township.

Compensation of commissioners. Proviso.

Sec. 7. It shall be the duty of the commissioners of highways in any organized townships, through which said road may pass, to open and work the same, in the manner, and by virtue of the same law, as township roads are required to be opened and worked.

Duties of highway commissioners.

Sec. 8. This act shall take immediate effect.

Approved February 10, 1855.

[No. 79.]

AN ACT to provide for laying out and establishing a State road from Bridgeport, in the county of Saginaw, to Forrestville, in the county of Sanilac.

SECTION 1. *The People of the State of Michigan enact*: That the Governor be and is hereby authorized to appoint two commissioners, who shall have power and whose duty it shall be, within six months after the day on which this act shall take effect, to lay out and establish a State road from Bridgeport, in the county of Saginaw, to Forrestville, in the county of Sanilac, upon the most eligible route.

Governor to appoint commissioners. Their duties

Sec. 2. Said commissioners shall file so much of the survey of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in said township; and it shall

Survey to be filed.

Recording
survey.

be the duty of the several township clerks to record such survey, which record shall be prima facie evidence of the establishment and existence of said road.

Duties of
highway
commis-
sioners.

Sec. 3. It shall be the duty of the commissioners of highways, in any organized township through which said road shall pass, to open and work the same, in the same manner, and by virtue of the same laws as township roads are required to be opened and worked.

Proceedings
in case dam-
ages claim-
ed.

Sec. 4. That in all cases in which damages may be claimed by reason of the laying out and establishing of said road, the same proceedings shall be had thereon, as may be required by the laws in force at the time such claim is made for the assessment of damages in case of roads laid out by township commissioners.

State not
liable for ex-
penses.

Sec. 5. The State shall not be liable for expenses incurred or damages sustained by reason of this act.

Commis-
sioners for
determining
necessity for
taking pri-
vate proper-
ty and dam-
ages.

Sec. 6. The commissioners appointed may make application to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be when private property is taken for said road, to ascertain the necessity for taking such property, and appraise the damage thereon if any is claimed, and the necessity for taking such property and the compensation therefor shall be certified to in writing by said commissioners, and the certificate filed in the office of register of deeds for the county in which such land is situated.

Sec. 7. This act shall take immediate effect.

Approved February 10, 1857.

[No. 80.]

AN ACT to provide for the laying out and establishing of a certain State road in the county of Emmet.

Commis-
sioners ap-
pointed.

SECTION 1. *The People of the State of Michigan enact, That Michael Wasson, Simon Kegegobenasee, John Bts Kegegobenasee, of Emmet county, be and they are hereby appointed commissioners to lay out and establish a State road, commencing at Little Traverse in Emmet county, thence on the most eligible route to the village of Lacroix, in said county, and from thence on the most eligible route to the point on the Straits of Mackinac, known as Old Fort Mackinac, or as near thereto as practicable.*

Route of
road.

Sec. 2. It shall be the duty of said commissioners or a majority of Duties of commissioners. them, on or before the first day of November, A. D. eighteen hundred and fifty-seven, to assemble and proceed to lay out and establish said road, and cause the same to be surveyed and a description thereof to be filed with the township clerk of each of the respective townships on the line thereof so far as said road shall run through each of the respective townships, whose duty it shall be to record the same, and such record shall be prima facie evidence of the existence of said road.

Sec. 3. The right of way for any such road through any lands be- Right of way on State lands granted. longing to the State be and is hereby granted and confirmed to the townships in which such lands shall lie.

Sec. 4. The said commissioners shall be paid each the sum of three Compensation. dollars per day for their services, and the same shall be paid by the respective townships.

Sec. 5. The State shall not be liable for any expenses incurred or State not liable for expenses. damages sustained by reason of this act, and in case the road mentioned in this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be null and void.

Sec. 6. And for the purposes of aiding and constructing said road Certain taxes appropriated. the sum of fifteen hundred dollars are hereby appropriated to be paid out of the general fund, the same to be expended under the superintendence and direction of the treasurer of Emmet county, who is to give bonds to the State Treasurer for double the amount of the sum so appropriated for said road.

Sec. 7. The county treasurer shall appoint an overseer, whose duty Overseer. it shall be to cause the said road to be cut out forty feet wide its entire Duties. length, previous to any other work to be done thereon, who shall be Compensation. paid the sum of two dollars per day for his services.

Sec. 8. And it is further provided, that in case of death of any of the said commissioners or refusal of the same to act, it shall be the duty of the county treasurer of Emmet county to fill said vacancies.

Sec. 9. The commissioners appointed by this act may make appli- Commissioners to ascertain necessity of taking private property, and assess damages. cation to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be when private property is taken for said road, to ascertain the necessity for taking such property and appraise the damage thereon, if any is

claimed, and the necessity for taking such property and the compensation therefor shall be certified to in writing by said commissioners, and the certificate filed in the office of register of deeds for the county in which such land is situated.

Sec. 10. This act shall take immediate effect.

Approved February 10, 1857.

[No. 81.]

AN ACT to amend sections one, four and thirteen of an act entitled an act to incorporate the Macomb County Mutual Insurance Company, approved April third, eighteen hundred and forty-eight.

Section 1,
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled an act to incorporate the Macomb County Mutual Insurance Company, approved April third, eighteen hundred and forty-eight, be so amended that it shall read as follows: "Sec. 1.

Certain persons shall
be a corporation.

The People of the State of Michigan enact, That Nathan Dickinson, Charles F. Mallory, Aaron B. Rawles, Edward S. Snover, Neil Grey, Ira H. Butterfield, Payne K. Leach, Lemuel Sackett and Charles Andrus, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a corporation by the name of the Macomb County Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property, against loss or damage by fire."

Section 4,
amended.

Sec. 2. That the fourth section of said act is hereby amended by striking out, in the fifth line thereof, the word "Mt. Clemens," and by substituting the word "Romeo," so that said section shall read as follows: "Sec. 4. The persons named in the first section of this act

First
directors.

shall be the first directors of said corporation, and shall continue in office for one year after the passage of this act, and until others shall be chosen in their places; which board of directors shall hereafter be elected in each year, at such time and place in the village of Romeo, in said county of Macomb, as the corporation in their by-laws shall appoint; of which election public notice shall be given in at least one of the public newspapers printed in said county, at least thirty days immediately preceding such election; such election shall be holden under the inspection

Election of
directors.

of three members not being directors, to be appointed previous to every election by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the members or of their proxies then present, allowing to each member one vote for every one hundred dollars insured in said company."

Sec. 3. That section thirteen of said act is hereby amended by striking out in the second line thereof the word "Mt. Clemens," and by substituting the word "Romeo," so that (said) section shall read as follows: "Sec. 13. The operations and business of the corporation shall be carried on and conducted at such place in the village of Romeo as shall be designated by a majority of the company present at any regular meeting."

Section 13,
amended.

Place of
business.

Approved February 10, 1857.

[No. 82.]

AN ACT to change the name of the village of Lower Saginaw, in the county of Saginaw.

SECTION 1. *The People of the State of Michigan enact*, That the name of the village of Lower Saginaw, in the township of Hampton, county of Saginaw and State of Michigan, be and the same is hereby changed to Bay City.

Sec. 2. This act shall to take immediate effect.

Approved February 10, 1857.

[No. 83.]

AN ACT to provide for the organization of the township of Teal Lake, in the county of Marquette, and to define the boundaries thereof.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the county of Marquette designated in the United States survey as townships forty-eight north, of range twenty-six west, forty-seven north, of range twenty-seven west, and forty-eight north, of range twenty-seven west, and heretofore set off or added to the township of Carp River in said county, is hereby set off and organized into a separate township by the name of Teal Lake; and the first township meeting for the election of township officers shall be held at the house

Teal Lake.
First town-
ship meet-
ing.

known as the boarding house of the Jackson Iron Company, situate on section one of said township forty-seven north, of range twenty-seven west.

Sec. 2. That all that part of the county of Marquette not included in section one of this act, be and the same is hereby set off and transferred to the township of Marquette in said county.

Notice of
first town-
ship meet-
ing.

Sec. 3. That the inhabitants of said township of Teal Lake, may proceed to the election of regular township officers on the first Monday of April next, or at any time thereafter, by giving public notice of the same by written notices, posted in at least three public places in said township, and signed by at least seven free holders of such township, not less than ten days previous to any such election.

Township
of Mar-
quette to
exercise
jurisdiction
till new
town organ-
ized.

Sec. 4. That nothing in this act shall be construed to prevent the said township of Marquette from exercising jurisdiction over the whole of said county of Marquette, until after the complete organization of the said township of Teal Lake, as provided in this act.

Repeal of
acts.

Sec. 5. That all acts or parts of acts contravening the provisions of this act are hereby repealed.

Sec. 6. This act shall take immediate effect.

Approved February 10, 1857.

[No. 84.] ~

AN ACT to provide for the construction and improvement of the road running from the village of Dowagiac, in the county of Cass, to the Territorial road, in the county of Van Buren.

Certain tax-
es appropri-
ated.

SECTION 1. *The People of the State of Michigan enact, That for the purpose of constructing and improving the road leading from the village of Dowagiac, in the county of Cass, to the territorial road in the county of Van Buren, there shall be appropriated, to be expended as hereinafter directed, the highway taxes which may be assessed in the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine, upon lands described and put down in the assessment rolls of the several years, respectively, as non-resident lands, and which shall be embraced within the limits of each section, any part of which section shall be within two miles of the centre of said road, commencing at the point on section*

line between Lagrange and Pokagon, in the county of Cass, one mile south from the north-east corner of said township of Lagrange, thence on the town line road north to the territorial road in the county of Van Buren.

Sec. 2. The township clerks of the several townships along which the said road runs, and in whose offices a survey of said road has been or may be recorded, are hereby required, on or before the first day of June next, to deposit with the clerk of the county to which they respectively belong, a certified copy of the recorded survey of said road, as the same has been or may be laid out; which certified copy the said clerk shall file and preserve in his office by recording the same.

Certified copy of recorded survey to be deposited with county clerk to be filed and recorded.

Sec. 3. The board of supervisors of each of the counties of Cass and Van Buren respectively, at their annual meeting in October of each year, named in the first section of this act, shall make out a statement of the descriptions of the lands in their respective counties, and within the limits designated in the first section of this act, together with the amount of highway tax assessed and returned as unpaid on each description, and shall deliver the same to the county treasurer of their respective counties, who shall file the same in his office.

Board of supervisors to make statement.

Sec. 4. The county clerks of each of the above named counties shall, at the time mentioned in the preceding section, prepare separate statements, as required in the preceding section, for each of the townships in which the said lands lie, of the amounts of highway taxes to be collected in the said townships; which statements shall be delivered to the supervisors of the townships respectively, who shall append said statements to the collection roll deposited by them with their respective town treasurers; and all taxes which said treasurers shall collect on lands set forth in such statements, he shall pay over to the county treasurer at the same time he shall make his return of unpaid taxes.

County clerk to prepare separate statements for each township, and deliver to supervisors.

Sec. 5. The county treasurers of the counties of Cass and Van Buren, respectively, shall each open accounts, in a book to be provided, at the expense of the counties respectively, for that purpose, with the Dowagiac and territorial road fund, and shall credit to said fund all moneys that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses in carrying into execution

County treasurers to open accounts.

the purposes of this act which may be audited by the boards of supervisors of the respective counties named herein.

Appoint-
ment of
special com-
missioners.

Sec. 6. A special commissioner shall be appointed for each of the counties named in this act, who shall have the superintendence of said road within their respective counties, and shall direct when all labor shall be performed on said road.

Resident or
non resident
tax may be
paid in labor

Sec. 7. Any non-resident or resident, who may wish to perform the labor assessed upon his lands lying within the limits designated in the first section of this act, may, with the consent of the owners (overseer) of the district in which the lands lie, apply, either by his agent or otherwise, to the special commissioner of the county in which the lands lie; and on such application, the said commissioner shall direct when and where, and in what manner, the labor may be performed on said road; and whenever the same shall be fully and satisfactorily performed, the said commissioners, or either of them, shall give a receipt therefor; and upon presentation of such receipt to the overseer of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Receipt for
labor.

Overseers to
pay over
commuta-
tions.

Sec. 8. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same within thirty days thereafter to the township treasurer, who shall give duplicate receipts therefor, one of which receipts said overseer of highways shall deposit with the county treasurer within ten days thereafter, and the township treasurer shall pay to the county treasurer, on or before the fifteenth day of November in each year, all moneys that may come into his hands from overseers of highways.

Township
treasurer to
pay over.

Powers of
special com-
missioners.

Sec. 9. The said special commissioners, each in his own county, shall have power to let or contract by public auction any job or work upon said road, giving public notice thereof in a newspaper in said county if there be one, and by posting up three or more written or printed notices in the most public places in the county, at least ten days before the time of letting such contract, which shall be let to the lowest bidder giving good security to the satisfaction of the commissioner for the faithful performance of said contract.

Sec. 10. Whenever any such contract shall be performed, the com-

missioner shall certify to the fact upon such contract, and shall there-
upon draw his warrant upon the county treasurer for the payment of
the same out of the Dowagiac and territorial road fund, and shall attach
such warrant to the said contract; and in case any person having so
contracted shall fail in the performance of his contract, it shall be the
duty of the commissioner to cause the same to be prosecuted in his own
name for the benefit of the aforesaid road.

Commis-
sioners to
certify per-
formance of
contract and
draw war-
rant on
treasurer.

Sec. 11. Each of the special commissioners shall receive as a com-
pensation for their services, one dollar and fifty cents per day for each
day actually employed in the business of the said road, which actual
employment each commissioner shall verify by his affidavit, and his ac-
count for services so verified shall be paid by the treasurer of his proper
county out of said road fund.

Compensa-
tion of com-
missioners.

Sec. 12. Ira Starkweather of the county of Cass, and Philotus Hay-
don of the county of Van Buren, are hereby appointed special commis-
sioners under this act for the counties in which they respectively reside;
and in case either commissioner does not take and file the oath of office
required by the constitution of this State, with the clerk of his proper
county on or before the first day of April next, the neglect thereof shall
be deemed a vacancy, and all vacancies which may happen by death, or
neglect to do the duties of commissioner, removal or otherwise, shall be
filled by the Governor of this State, and any person so appointed shall,
before entering upon the duties of his office, take and file as aforesaid
the constitutional oath of office.

Commis-
sioners ap-
pointed.

Vacancies;
how filled.

Sec. 14. The laws regulating highways in this State not contraven-
ing the provisions of this act, shall apply to this road.

Laws to ap-
ply.

Approved February 10, 1857.

[No. 85.]

AN ACT to extend the time for the collection and return of taxes in
the township of Columbus, in the county of St. Clair, for the year
(1856) one thousand eight hundred and fifty-six.

SECTION. 1. *The People of the State of Michigan enact, That*
the time for the collection and return of taxes in the township of Co-
lumbus, in the county of St. Clair, for the year (1856) one thousand
eight hundred and fifty-six, be and the same is hereby extended to the
second (2) Monday in March next.

Time of
extension.

Powers of
treasurer.

Sec. 2. The treasurer of the said township of Columbus is hereby authorized to proceed and collect said taxes as fully as he might have done during the life of his warrant for that purpose, and to make his returns on or before the said second Monday of March next; and the supervisor of the said township is hereby authorized to make and attach his warrant to said tax roll in due form of law, by virtue of which said treasurer may proceed, collect and make returns as herein provided.

Treasurer
to procure
warrant,
pay over
moneys and
renew bond.

Sec. 3. It shall be the duty of the aforesaid treasurer, before he shall be entitled to the benefits of this act, to procure the warrant of the said supervisor to be attached to said roll, and to pay over all moneys collected by him prior to the time when said warrant shall be attached as is provided by law, and to renew his official bond to the treasurer of the county of St. Clair.

Return of
transcript
of unpaid
taxes.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be, by the said county treasurer, returned to the Auditor General within thirty days from and after the second Monday in March next, which unpaid taxes, so returned, shall be collected in the same manner, and with interest computed from the same time, as taxes for the year eighteen hundred and fifty-six (1856) duly returned to the Auditor General. All laws now in force relative to the collection and return of taxes shall apply to and govern the proceedings under this act so far as they are not inconsistent herewith.

Proceedings
of treasurer
legalized.

Sec. 5. That all the proceedings of the said treasurer are hereby declared to be as valid as though the said supervisor's warrant had been in due form attached to said tax roll.

This act is ordered to take immediate effect.

Approved February 10, 1857.

[No. 86.]

AN ACT to authorize the water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water works of said city.

Board of
water com-
missioners
may borrow
money.

SECTION 1. *The People of the State of Michigan enact*, That the board of water commissioners of the city of Detroit shall have power to borrow, upon the best terms they can make, and for such time as

they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent. per annum; and it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the comptroller of said city a copy of such register as soon as the same is made, which shall be preserved by said auditor, and copied into the records of said city; and the said sum of ^{Money; how- expended.} money shall be expended by said commissioners solely for the purpose of extending and improving the water works of the city of Detroit: *Provided*, That the said board of commissioners shall not contract said ^{Proviso.} loan until they are authorized and empowered so to do by the common council of the city of Detroit.

This act shall take effect and be in force from and after its passage.

Approved February 10, 1857.

[No. 87.]

AN ACT to repeal an act entitled an act to incorporate the village of Trenton, approved February (10th, 1855) tenth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That an ^{Repeal of act.} act entitled an act to incorporate the village of Trenton, approved February (10th) tenth, (1855) eighteen hundred and fifty-five, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved February 10, 1857.

[No. 88.]

AN ACT to change the name of the township of Auchville in the county of Tuscola.

Sebewaing. SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Auchville be and the same is hereby changed to Sebewaing.

Approved February 10, 1857.

[No. 89.]

AN ACT to legitimize Mary Ryerson. X

Mary Ryerson legitimized.

Rights.

SECTION 1. *The People of the State of Michigan enact*, That Mary Ryerson, the daughter of Martin Ryerson, by an Indian mother, who was born at Muskegon, in the year of our Lord one thousand eight hundred and forty-three, be and is hereby declared to be legitimized, and that the said Mary Ryerson shall forever be entitled to all the rights, privileges, powers and property which she may acquire from her said parents, either by bequest, devise, deed, grant or descent, or in any other mode, in the same manner in every respect, as if the said Mary had been born after and during the lawful wedlock of the said Martin Ryerson and the said Indian woman.

Approved February 10, 1857.

[No. 90.]

AN ACT to limit the amount of money to be raised by an act entitled an act to amend an act entitled an act to incorporate the village of Hudson, approved January (28th) twenty-eighth, (1853) eighteen hundred and fifty-three.

Moneys raised not to exceed \$1000, in any one year.

SECTION 1. *The People of the State of Michigan enact*, That all moneys raised by virtue of the provisions of sections (3) three and (5) five of the aforesaid act, shall not exceed the sum of (\$1000) one thousand dollars in any one year upon the valuation of real and personal estate, exclusive of the capitation or poll tax, and also exclusive of any tax for paving, grading, planking or improving of any sidewalk in said village.

This act is ordered to take immediate effect.

Approved February 10, 1857.

[No. 91.]

AN AOT to amend certain sections of an act entitled an act to establish a House of Correction for Juvenile Offenders, approved February tenth, eighteen hundred and fifty-five.

Section 1. *The People of the State of Michigan enact*, That sections two, seven, eight, ten, twelve and thirteen of said act are hereby amended so as to read as follows: Sections 2, 7, 8, 10, 12 & 13 amended.

§ 2. The general supervision and government of said House of Correction, shall be vested in a board of control, to consist of three members, who shall be appointed by the Governor, by and with the advice and consent of the senate, the members of which board shall hold their offices for the respective terms of two, four and six years from the first of March, eighteen hundred and fifty-seven, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments; and thereafter there shall be one of said board appointed every two years, whose term of office shall continue for six years, or until his successor is appointed and qualified. The members of said board of control shall constitute a body corporate, under the name and style of the "Board of Control of the House of Correction for Juvenile Offenders," with the right of suing and being sued, of making and using a common seal, and of altering it at pleasure. Board of control.
Terms of office.
Board; a body corporate.
Title.
Rights.

§ 7. It shall be the duty of the members of the board of control to meet annually at the House of Correction on the third Wednesday in November of each year, and at said annual meeting they shall elect of their own body, a chairman, treasurer, and clerk, who shall hold their offices for one year, and until their successors shall be elected and qualified. Duties of board.

§ 8. It shall be the duty of the board of control, to meet once in every three months, on their own adjournments, and oftener if they shall deem it advisable, at which meetings they shall prepare and carefully digest and mature a system of government for said House of Correction for juvenile offenders, embracing all such rules, regulations, and general laws, as may be deemed necessary for preserving order, for enforcing discipline, for imparting instruction, for preserving health, and generally for the proper physical, intellectual and moral training of the offenders.

Certain offenders to be sentenced till 21 years of age.

Age of offender to be certified.

Courts may sentence to House of Correction.

Proviso.

Proviso.

Board may liberate offenders.

Auditor General to draw warrants for current expenses.

§ 10. From and after the time that said institution shall be prepared for the reception of offenders, every person under the age of sixteen years, who shall be convicted of a prison offence, except in the case of offences punishable by law by imprisonment for life, shall be sentenced to the House of Correction for juvenile offenders, until they shall be twenty-one years of age; and it shall be the duty of all courts and magistrates, sentencing offenders to said House of Correction, to certify to the keeper of said House of Correction the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such court or magistrate, or in such other manner as the court or magistrate shall direct; and no person shall be detained in custody in said institution after they shall have become twenty-one years of age.

§ 12. Whenever said institution shall be so far completed as to allow of the reception and proper discipline of juvenile offenders, it shall be lawful for all courts of record having criminal jurisdiction, and for all police courts and justices' courts in the exercise of their proper criminal jurisdiction, and said courts are hereby severally authorized, to sentence any offender of the respective classes contemplated by this act, to the said House of Correction: *Provided*, Judgments rendered in all police or justices' courts shall, upon a reviewal of the papers and testimony taken by the justice on said trial, before a circuit or probate judge, be approved: *Provided, also*, That if such judgment be disapproved, such police or justices' courts are hereby authorized to pass sentence as in other cases provided by law.

§ 13. It shall be lawful for the board of control, whenever in their discretion they may deem any of the offenders imprisoned in the said institution to have been so far reformed as to justify his or her discharge, to liberate such offender, or to bind him, her, or them, by articles of indenture, for that purpose to be entered into, to any suitable person who will engage to instruct such offender in some proper art or trade, according to the terms of said articles of indenture.

Sec. 2. The Auditor General is hereby authorized and required to draw his warrant on the State Treasurer for such sums as the board of control of said House of Correction shall from time to time direct, but such sums so drawn at any one time shall not exceed one thousand dollars, and no further sums shall be drawn until satisfactory vouchers are presented to and allowed by the Board of State Auditors for the amount previously drawn.

Sec. 3. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, so much as shall be sufficient to pay all outstanding indebtedness now existing against said board of control by reason of building and furnishing said House of Correction, not exceeding seven thousand dollars, said indebtedness being first audited and allowed by the Board of State Auditors. Appropriation.

This act is ordered to take immediate effect.

Approved February 10, 1857.

[No. 92.]

AN ACT to authorize the board of supervisors of the county of Saginaw to restore the distinction between town and county poor.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Saginaw, shall have power, at a regular meeting of said board, by a vote of two-thirds of its members elect, to restore the distinction between town and county poor. Board of supervisors may restore distinction between town and county poor

Approved February 11, 1857.

[No. 93.]

AN ACT to authorize the village of Hillsdale to raise a tax for the purpose of organizing a fire department.

SECTION 1. *The People of the State of Michigan enact*, That the president and trustees of the village of Hillsdale be authorized and empowered to levy and collect a tax upon the taxable property in said village, not exceeding two thousand dollars in any one year, in addition to the sum already authorized to be raised, until they have raised the sum of six thousand dollars, for the purpose of constructing reservoirs, building an engine house, and purchasing engines and other fire equipments for said village. village authorities may raise tax for certain purposes.

Sec. 2. The president and trustees of said village are hereby authorized to organize (acquire) and hold lands for the use of said village, in one or more parcels, not exceeding in all ten acres, upon which they may erect an engine house, a town hall, make public grounds, and ornament the same. May acquire and hold lands.

Sec. 3. This act shall take immediate effect.

Approved February 11, 1857.

[No. 94.]

AN ACT to extend the time for the collection and return of taxes in the township of White River, in the county of Ottawa.

Time of
extention.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of White River, in the county of Ottawa, for the year eighteen hundred and fifty-six, is hereby extended to the third Monday of March next.

Sheriff to
collect tax-
es.

Sec. 2. The sheriff of said county is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life-time of the warrant for the collection thereof, and to make his returns at any time on or before the third Monday of March next, and the said warrants are hereby continued in full force and virtue for the purposes mentioned, until the said third Monday of March next.

Sheriff to
execute
bond.

Sec. 3. It shall be the duty of said sheriff, before he shall be entitled to the benefits of this act, to execute to the county treasurer of said county and his successors in office, a bond in double the amount of State and county taxes apportioned to said township, with sufficient sureties to be approved by said treasurer, conditioned that he shall duly and faithfully perform the duties of his office, and shall deliver the same to the said treasurer.

Transcript
of unpaid
taxes to be
returned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest from the same time, as other taxes for the year eighteen hundred and fifty-six, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 11, 1857.

[No. 95.]

AN ACT to authorize the president, secretary and treasurer of the Washtenaw County Agricultural and Horticultural Society to take and hold real and personal property.

SECTION 1. *The People of the State of Michigan enact*, That the president, secretary and treasurer of the Washtenaw County Agricul-

tural and Horticultural Society, and their successors in office, shall in law be capable of taking and receiving, purchasing and holding real estate, for the purpose of holding upon the same the exhibitions of said society, but for no other purpose, to an amount not exceeding twenty thousand dollars in value, and of personal estate for the purpose of aiding in said exhibitions, not exceeding five thousand dollars.

Officers of Society may hold real estate.

Sec. 2. The real and personal estate of said society shall be under the management and control of the board of managers of said society and their successors in office, who may from time to time be elected according to the constitution of said society.

Property to be under control of board of managers

Sec. 3. The real and personal estate so held for the purposes herein expressed, shall be exempt from assessments or taxation.

Exemption.

Sec. 4. This act shall take immediate effect.

Approved February 11, 1857.

[No. 96.]

AN ACT relative to the assessment and collection of taxes in the village of Ypsilanti.

SECTION 1. *The People of the State of Michigan enact*, That township supervisor of the township of Ypsilanti, be and is hereby authorized and required to assess upon the taxable property within the corporate limits of the village of Ypsilanti, annually at the time of making the assessment roll of said township, such amount of taxes as shall be certified to him by the president and recorder of the village of Ypsilanti to have been ordered raised by the common council of said village, or by a vote of the people thereof given at a public meeting held for that purpose, under the laws in force relative to the assessment and collection of taxes in said village of Ypsilanti.

Supervisor of Ypsilanti to assess certain taxes.

Sec. 2. The township treasurer of the township of Ypsilanti is hereby made the collector of the village of Ypsilanti, and is empowered and it is made his duty to collect any and all taxes assessed by the supervisor for and against the taxable property within the corporate limits of the village of Ypsilanti, upon the certificate of the president and recorder as aforesaid, and to pay the same to the treasurer of the village of Ypsilanti upon the order of the president and recorder of said village, and it shall be the duty of said township treasurer, and he is hereby required

Township treasurer to be collector for village. His duty.

to make, execute and file with the recorder of said village, a bond with one or more sureties, to be approved by the supervisor, in such sum as said supervisor shall direct, which bond shall be executed, approved and filed as aforesaid, on or before the first day of May in each year.

Warrant of supervisor to extend to village.

Sec. 3. The warrant of the supervisor of Ypsilanti authorizing the collection of the tax of said township, shall be deemed to extend to and authorize the collection by the township treasurer of any tax assessed as aforesaid for said village corporation.

Office of assessor abolished. Annual notice.

Sec. 4. The office of assessors for the village of Ypsilanti, shall be and the same is hereby abolished, and the annual notice required by law to be given by the supervisor of said township, shall also include and be deemed sufficient notice to the taxable inhabitants of said village that the village assessment has been made and is ready for examination and correction, and all laws now in force relative to assessment and collection of taxes in townships, shall apply to the assessment and collection of taxes in the village of Ypsilanti: *Provided, however,* That nothing in this act contained shall be construed to refer to or in any wise affect the jurisdiction and control of said village over the streets and highways therein.

Proviso.

Repeal.

Sec. 5. Sections twenty-four and twenty-five of an act entitled an act to incorporate the village of Ypsilanti, and the act or acts amendatory thereto, are hereby repealed.

Approved February 11, 1857.

[No. 97.]

AN ACT to change the name of the First Presbyterian Religious Society in the township of Lodi, county of Washtenaw and State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That the name of the First Presbyterian Religious Society of the township of Lodi, county of Washtenaw and State of Michigan, be and the same is hereby changed to the First Congregational Religious Society of the township of Lodi, county of Washtenaw and State of Michigan.

Approved February 12, 1857.

[No. 98.]

AN ACT to enlarge the corporate limits of the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That from **Boundaries.** and after the passage of this act, the following district of country shall constitute the city of Detroit, to wit: Beginning at the national boundary line in Detroit river, on the continuation of the dividing line between private claims numbered (21) twenty-one and (78) seventy-eight, as confirmed by the Board of Land Commissioners of the United States, thence northerly along said dividing line to the southerly line of the Detroit, Monroe and Toledo Railroad, thence northeasterly along said line to the present western boundary of the city of Detroit, thence northerly along said boundary to the north-western corner of said city, thence eastwardly along the present northerly boundary line of said city to the northeast corner of private claim number (14) fourteen, known as the St. Aubin farm, thence southerly along the line between said claim number (14) fourteen and private claim number (91) ninety-one to a point where the northerly line of Leland street, when extended in a right line eastwardly from the said city, would intersect the line between said claims, thence eastwardly at right angles with the side lines of said claims to the easterly line of private claims number (9) nine and (454) four hundred and fifty-four, thence southerly along the line between private claims number (9) nine and (454) four hundred and fifty-four, and private claims number (11) eleven and (453) four hundred and fifty-three, being between the farms known as the McDougal and Chapiton farms, to the northerly line of the Fort Gratiot turnpike, thence northeasterly along said northerly line of said turnpike to the easterly line of private claim number (15) fifteen, thence southerly along the easterly line of said claim number (15) fifteen, to said national boundary line, thence westwardly along said national boundary to the place of beginning.

Sec. 2. So much of the above described district as lies below, or west- **Wards.** ward, of the present corporate limits of said city, shall constitute one ward, to be known and designated as the ninth ward of said city, and so much of said district as lies above, or eastward, of the present corporate limits of said city, shall constitute one ward, to be known and designated as the tenth ward of said city. And from and after the time above fixed for the taking effect of this act, the said district hereby annexed to

Proviso. said city, shall be subject to all laws, ordinances and regulations, which shall at any time be in force over the remainder of said city, and shall cease to be subject to the regulations or government of any other township: "*Provided*, That the common council of the city of Detroit may at any time alter or divide the said wards" in the manner provided by the charter of said city, for the regulation or alteration of the present wards thereof.

Election of aldermen. Sec. 3. There shall be elected, at the next ensuing charter election, to be held in said city, two persons in each of said wards, to serve as aldermen, one in each ward to serve one year, and one in each ward to serve for two years, and the time of service for which each alderman is elected, shall be designated on the ballots cast for such officers respectively; and such other ward officers shall be elected at such election, as are provided for the other wards of said city, and the terms of office of all such aldermen and officers shall correspond with those of similar aldermen and officers, in such other wards.

Place of holding charter election in 9th and 10th wards may be appointed by council. Sec. 4. The common council of the city of Detroit, may any time before said charter election, appoint the places for holding the same, in the said ninth and tenth wards, and said election shall be conducted in like manner with those in the other wards of said city, except that, at eight o'clock in the forenoon of the day for holding said charter election, the electors of said wards present at the place of holding the polls, shall elect, viva voce, three of their own number to act as inspectors of said election, who shall be sworn rightfully to discharge the duties of such inspectors, (which oath either of them may administer to the others,) and who shall be the legal inspectors of said election, and said inspectors in each ward, may appoint one or more electors of each of said wards, to act as constables at and about the polls of such wards, during said election day.

Mode of conducting election therein. Sec. 5. The common council may appoint any persons to fill any office in either of said wards, which is provided for in the other wards of said city, (except that of alderman,) and the officers so appointed shall continue to act until their successors are elected at said charter election, and are duly qualified, and no longer.

This act is ordered to take immediate effect.

Approved February 12, 1857.

[No. 99.]

AN ACT relative to State prison.

SECTION 1. *The People of the State of Michigan enact*, That the agent of the State prison shall cause to be kept a record of each and all infractions of the rules of discipline by convicts, with the names of the convict or convicts offending, and the date and character of each offence, which record shall be placed before the inspectors at each regular meeting of the board, and every convict who shall have been sentenced for a term of years, whose name does not appear upon such record of reports, shall be entitled to a deduction of one day per month from his sentence for each month he shall continue to obey all the rules of the prison, for the period of one year from the passage of this act. Record to be kept.
Deduction from time of sentence for good behaviour.

Sec. 2. All such convicts who shall have been entitled to a deduction of one day per month, according to the provisions of the above section, shall for a like faithful observance of all the rules for the second year, be entitled to a deduction of two days per month; and if any convict shall continue his good deportment for the remainder of the time of his sentence, after the expiration of two years, he shall be entitled to a deduction of four days per month until his time shall expire. Deduction for good behaviour in 2d year.
Deduction for remaining time.

Sec. 3. If any convict shall be guilty of a willful violation of the rules of the prison, after he shall have become entitled to a diminution of service to which he has been sentenced, the inspectors shall have the power to deprive such convict of a portion or all of the deductions from the term of his sentence, to which he had previously become entitled by virtue of the provisions of this act, and it shall be the duty of the inspectors to direct the discharge of such convict when he shall have served out his sentence, less the time which shall be deducted therefrom by virtue of the provisions of this act. Convicts may be deprived of deduction for violation of rules.

Approved February 12, 1857.

[No. 100.]

AN ACT for the better protection of the public lands, and to punish the cutting and carrying away of timber therefrom.

SECTION 1. *The People of the State of Michigan enact*, That every person not thereto lawfully authorized, who shall enter upon, or introduce, or direct, any other person to enter upon any of the lands of this Trespass on public lands a felony.

State, and shall cut down or destroy, or cause to be cut down or destroyed, any trees standing or growing thereon, if the value of such trees so cut down or destroyed shall exceed the sum of twenty-five dollars, shall be deemed guilty of a felony, and shall be punished by imprisonment at hard labor in the State prison, not more than five years nor less than one year; or by fine not less than one hundred nor more than two thousand dollars, and imprisonment in said prison at hard labor not less than three nor more than twelve months.

Converting
trees, tim-
ber or lum-
ber, felony.

Sec. 2. Every person who shall take and carry away any trees or parts thereof, or any timber or lumber made therefrom, so cut or destroyed, or heretofore so cut down or destroyed, on such land, wherever in this State the same shall be, with intent to convert the same to his own use or the use of his employer or principal, if the same shall exceed in value the sum of twenty-five dollars, shall be deemed guilty of a felony, and shall be punished by imprisonment in the State prison not more than five years, or by a fine not less than one hundred nor more than two thousand dollars, and imprisonment in the State prison not less than three nor more than twelve months.

Punishment
when
property
does not ex-
ceed \$25.

Sec. 3. If the trees so cut down or destroyed, or the trees, parts of trees, or timber or lumber made thereof, so taken and carried away, shall not in value exceed the sum of twenty-five dollars, the person offending shall be punished by imprisonment in the State prison not less than three months nor more than one year, or by fine of not less than fifty nor more than one hundred dollars, and imprisonment in the State prison not more than three months.

Contents of
indictment
or informa-
tion.

Sec. 4. In any indictment or information under this act, the person accused may be charged with commencing at some particular time to commit any of the acts hereby made punishable, and continuing to commit the same to some other time, which period shall be therein stated, and if the jury shall find the accused guilty, they shall in their verdict state the value of the property so cut down or destroyed, or taken and carried away.

Prosecu-
tions to be
by indict-
ment or in-
formation.

Sec. 5. All prosecutions under this act may be either by indictment or information in the county where the offence is committed; or, if it be committed in the upper peninsula, in any county in said peninsula; if in the lower peninsula, in the county where the offence was committed or in such other county as the Commissioner of the State Land Of-

fice, or the Attorney General shall, by written instructions to the prosecuting attorney thereof, direct.

Sec. 6. Such information shall be brought by the attorney general or By whom information to be brought. by the prosecuting or district attorney of the county where the same is to be prosecuted; it shall set forth the offence with reasonable certainty, What to set forth. shall not be filed nor have effect without an affidavit of some credible person verifying the charges therein contained, which shall be filed at or before the time process shall issue for the arrest of the accused, nor until the circuit or district judge of the court shall, by an endorsement thereon, allow the same to be filed. When so allowed, the proper prosecuting attorney shall take out a warrant from the office of the clerk, in Warrant. the usual form as near as may be, for the arrest of the accused; and whether the prosecution be by indictment or information, the warrant of arrest may be directed to the sheriff of the same or any other county, To whom directed. and may be served anywhere in the State, by arresting the offender and committing him for trial in the proper county. In prosecutions by information, the accused shall be entitled to be let to bail upon giving re- Bail. cognizance with sufficient sureties, shall be arraigned, required to plead, Arraign-ment. be entitled to continuances and challenges, to taking exceptions, the writ Pleadings. Continuances. of error to the Supreme Court, and to all other rights secured to persons prosecuted by indictment in such court for felonies, in the same Challenges. Exceptions and writs of error. manner and to the same effect as if the prosecution were by indictment; and the court in such case shall pronounce sentence, and so far as appli- Sentence. cable, give the same effect to all the provisions of law relating to indictments for felony, as if the prosecution was by indictment, and the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, seventeenth and nineteenth sections of an act entitled "an act relative to indictments," approved February sixteenth (16), eighteen hundred and fifty-five (1855), shall apply to such informations in the same manner as if they were indictments.

Sec. 7. If any person, being the owner of or having any interest in Owners of saw mills liable in certain cases. any saw mill, shall, by himself, his agent or servant, use the same in sawing or manufacturing any logs, timber, or lumber, so unlawfully cut down or destroyed, taken and carried away, or shall, by himself, his agent or servant, receive the same for the purpose of so sawing or manufacturing the same, at such mill, knowing the same to have been so cut down or destroyed, or taken and carried away, he shall be deemed guilty

In case owner of mills non-resident, mills to be held liable for damages.

of felony, and shall be punished as first mentioned in this act, and shall be proceeded with in the same manner, and with the same effect in all respects, as if charged with the offence first mentioned in this act. In case the owner, owners or managers of any saw mill used for the purpose of manufacturing timber, thus unlawfully obtained, into lumber, shall be a non-resident or non-residents of this State, the mill or mills, lands and personal property of such non-resident owners, lessees or holders under a mortgage, which property shall be proven to be used or engaged in the unlawful removing of timber from the public or private lands of this State, such property or real estate shall be holden as immediately and directly liable for any and all damages sustained by its unlawful use for purposes aforesaid. Upon proof thereof, the court of competent jurisdiction may forthwith direct the sheriff of the county to take such property or estate into custody, or demand sufficient security therefor, to cause it to abide the decision of the case by due course of law. The damages shall be appraised at not less than double the amount of the market price of the lumber at the mill, which the timber thus unlawfully taken was capable of affording. Upon a rendition of judgment and issue of execution, relating to the property or estate of such non-residents, mill owners or parties in interest thereto, the sheriff shall proceed, in default of other payment, to sell the same or a sufficient portion thereof to satisfy the execution committed to him, as provided in other cases by law for sales of real or personal estate on execution.

Double damages.

Sale of mills on execution.

Duties of Attorney.

Sec. 8. It shall be the duty of any attorney having charge of any prosecution under this act, to make diligent enquiry for the party accused, and endeavor to cause him to be arrested and tried without unnecessary delay; and whenever he shall be satisfied that the accused is not within the State, but is liable to be demanded by the Governor of this State as a fugitive from justice, he shall report the fact to the Governor, and transmit to him a copy of the indictment or of the information and affidavit, duly authenticated under the seal of the court, in order that the Governor may demand such fugitive as provided in any act of Congress.

Fees and costs; how paid.

Sec. 9. All fees and costs accruing under this act, after being duly taxed as required in other criminal cases in the circuit or district court, and certified to be correct and just by the judge thereof, shall be paid by the State Treasurer on the warrant of the Auditor General, to whom

the taxed bill shall be delivered, out of the primary school fund, when the offence prosecuted shall relate to primary school lands, and out of the proceeds of the sales of the swamp lands, when it relates to said lands; and all fines collected under this act shall be paid to said State Treasurer and treated as a part of the primary school fund or the swamp land fund as the case may be. And whenever the attorney, prosecuting the offence, shall make and forward an affidavit to the Auditor General, naming any particular person as the informer, by whose diligence the accused was detected and convicted, the Auditor General shall on the application of such person, his executor or administrator, draw his warrant on the State Treasurer in favor of such person for one-half the amount of the fine collected in the case where he was such informer, which warrant shall be paid by said treasurer out of the moneys collected for such fine.

Sec. 10. This act shall not be construed to affect any offence or trespass already committed on or concerning any such lands, nor the right of the State to prosecute or sue for the same; but such prosecutions or suits may be instituted and shall proceed and have the same effect as if this act had not been passed.

This act not to affect trespasses already committed.

This act is ordered to take immediate effect.

Approved February 12, 1857.

[No. 101.]

AN ACT for the improvement of Flat river.

SECTION 1. *The People of the State of Michigan enact:* That five hundred acres of land, if any there be belonging to the internal improvement lands of this State not otherwise appropriated, be and is hereby appropriated for the improvement of Flat river, in the counties of Kent, Ionia and Montcalm.

Appropriation of lands (if there be any.)

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor is hereby authorized to appoint a commissioner to select the lands herein appropriated, and report such selection to the commissioner of the State land office, who shall thereupon reserve the same from sale, giving no certificate for any tract or parcel thereof except upon the order of said special commissioner.

Governor to appoint commissioners to select lands.

Commis-
sioners to
have man-
agement of
improve-
ment.

Sec. 3. The said commissioner shall have the control and management of the improvement of the aforesaid river, and shall have power to let out by contract the opening and removal of obstruction of said river, so as to facilitate the rafting of lumber, as he may think best, to the lowest bidder, who shall execute and deliver to the said commissioner a good, sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting the said commissioner shall advertise for proposals for contracting said work, said advertisement to be published in the Montcalm Reflector for three successive weeks before the time of such letting.

Bond of
contractor.

Proviso.

Compensa-
tion of com-
missioners.

Sec. 4. The said commissioner shall receive for his services the sum of (\$2.00) two dollars per day, and such sum shall be credited and allowed by the county of Montcalm.

Commis-
sioners to
file bond.

Sec. 5. Said special commissioner, before entering upon the duties of his office, shall file a bond with the county clerk of the county of Montcalm, with sureties to be approved by him, in the penal sum of one thousand dollars (\$1,000), for the faithful performance of his duties as said commissioner.

Vacancy;
how filled.

Sec. 6. In case of a vacancy in the office of the said commissioner by death or resignation, or refusal to act as such commissioner, before the said appropriation shall be expended, it shall be the duty of the board of supervisors of the county of Montcalm to fill such vacancy, and the person appointed to fill such vacancy shall, before entering upon the duties of his office, file his bond as required by this act.

Limitation.

Sec. 7. Said commisssoner shall not draw an order for more land than is appropriated and reserved in this act.

Approved February 12, 1857.

[No. 102.]

AN ACT making appropriations in aid of the Asylum for the Deaf and Dumb and Blind, at Flint.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of (\$37,500) thirty-seven thousand five hundred dollars for the year (1857) eighteen hundred and fifty-seven, and (\$37,500) thirty-seven thousand five hundred (dollars) for the year (1858) eighteen

hundred and fifty-eight, be and are hereby appropriated out of the general fund, and the same shall be passed to the credit of said Asylum fund on the books of the State Treasurer for the respective years above mentioned, and be drawn upon warrants made by the board of trustees and countersigned by the Auditor General, and applied as hereinafter provided.

Sec. 2. The sum of (\$10,000) ten thousand dollars for arrearages on purchases of land, fencing lot, and furniture, and the sum of (\$10,000) ten thousand dollars for sustaining the institution, and the sum of (\$17,500) seventeen thousand five hundred dollars towards the erection of additional buildings, may be drawn for and used by said board in the year eighteen hundred and fifty-seven (1857), and the sum of (\$10,000) ten thousand dollars for sustaining the institution, and the sum of (\$27,500) twenty-seven thousand five hundred dollars for the erection of buildings for the year (1858) one thousand eight hundred and fifty-eight.

Sec. 3. The board of trustees shall appoint one of their number as acting commissioner, who shall, under the direction of the board, have the superintendence of the erection of all necessary buildings for the asylum, for which services he shall receive a salary of eight hundred dollars (\$800.00) per annum, and the other members of the board shall receive while actually employed, (\$2.00) two dollars per day, which with necessary traveling expenses shall be in full of all compensation. The salaries and compensation shall be paid quarterly in the same manner and out of the same funds as other State officers are paid, and the same is hereby annually appropriated out of any money in the treasury not otherwise appropriated.

Appoint-
ment of act-
ing commis-
sioner.

Salary of
acting com-
missioners.
Compensa-
tion of
members of
board of
trustees.

Salaries and
compensa-
tion paid
quarterly.

Sec. 4. The board of trustees shall deposit with the Auditor General, as far as practicable, all contracts entered into for materials and for work and labor performed, and shall, at least as often as once in three months, audit all the accounts of the building commissioner, and certify that a statement made out by such building commissioners of all such accounts and expenditures is correct, and shall file the same, together with all vouchers for money expended, with the Auditor General. They shall also present with their report to the Legislature, full and particular statements of the amounts drawn, and the uses to which the same have been applied; but upon all contracts, twenty (20) per

Trustees to
deposit con-
tracts with
Auditor
General.

Contents of
report to
Legislature..

cent. upon the estimates shall be retained until the same are completed to the satisfaction of the board.

Auditor General to apportion certain sums for each year.

Sec. 5. The Auditor General shall, in the year (1857) eighteen hundred and fifty-seven, and in the year (1858) eighteen hundred and fifty-eight, at the same time that other State taxes are apportioned by him among the several counties, apportion among the several counties, in proportion to the valuations as equalized by the State board of equalization, the sum of (\$15,000) fifteen thousand dollars, for the year (1857) eighteen hundred and fifty-seven, and the sum of (\$15,000) fifteen thousand dollars for the year (1858) eighteen hundred and fifty-eight, which several amounts, when apportioned, shall be collected and returned as other State taxes are required to be by law.

Clothing to be furnished in certain cases.

Sec. 6. In cases where persons, residents of this State, who are deaf and dumb or blind, but who, on account of their poverty, are unable to furnish themselves with suitable clothing and other necessary expenses for attending school at the Asylum for the Deaf and Dumb and the Blind, the board of trustees shall have discretionary power to render them such assistance, not exceeding twenty dollars (\$20) for each person, and for that purpose may issue a certificate directed to the Auditor General, that such amount is necessary for the benefit of such individual, who shall draw his warrant upon the State Treasurer therefor, and any such sums are hereby appropriated, and shall be paid out of any moneys in the general fund not otherwise appropriated, and the Auditor General shall charge all such moneys so drawn to the county of which such person is a resident, or to which he or she belongs, to be collected and returned to the general fund as any State taxes are required to be by law.

Repeal.

Sec. 7. All acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Approved February 12, 1857.

[No. 103. ¶]

AN ACT to amend an act entitled an act to incorporate the village of East Saginaw, approved February thirteenth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That the*

act entitled an act to incorporate the village of East Saginaw, approved February thirteenth (13), eighteen hundred and fifty-five, be and the same is hereby amended so that the same shall read as follows: So much of the township of Buena Vista, in the county of Saginaw, as is embraced within the following boundary, to wit: commencing at a point in the centre of the Saginaw river, where the west section line of section eighteen, in town twelve north of range five east, crosses said river; thence south on the said section line to the south-west corner of the north-west quarter of said section eighteen; thence east to the north-east corner of the west half of the south-west quarter of said section eighteen; thence south on half quarter line to the south line of said section eighteen; thence east on section line to the south-east corner of said section eighteen; thence south on section line to the south-east corner of section nineteen, in said township; thence west on section line to the north-east corner of the west half of the north-west quarter of section thirty, in said township; thence south on the half quarter line to the east and west quarter line of said section thirty; thence west to the west section line of said section thirty; thence south to the south-west corner of said section thirty; thence west on the section line to a point where the said section line intersects the eastern side of the Saginaw and Bad River plank road; thence along the north-eastern boundary of said road to Saginaw river; thence west to the center of Saginaw river; thence north easterly along the centre of said river to the place of beginning, be and the same is hereby constituted a village corporate by the name of the village of East Saginaw.

Sec. 2. The inhabitants of said village, having the qualifications of electors under the constitution, shall meet at such place in said village as the common council shall designate, on the first Monday of March next, and on the first Monday of March annually thereafter; and then and there, by a plurality of votes, elect by ballot from among the qualified electors of said village, one president, one recorder, six trustees, one assessor and one treasurer, who shall, except the trustees, hold their offices for one year, and until their successors are elected and qualified; the trustees, at the first election held under this act, shall hold their offices, three of them for one year, and three of them for two years, to be determined by lot, at the first meeting of the common council, held subsequent to the said election; at each election after the first, but three

Boundaries
of village.

Annual
election;
when and
where made

Officers to
be elected.

Term of
office.

trustees shall be elected annually, who shall hold their offices for two years, and until their successors are elected and qualified: *Provided,*

Elections in certain cases; when held.

That if any such election, for any cause, shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause, shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given as hereinafter provided.

First election; how conducted.

Sec. 3. At the first election to be holden under this act, which shall be held on the first Monday of March next, the president, recorder, and one or more of the present trustees of the village of East Saginaw, shall be judges of the election, and shall canvass the votes and certify the result of the election to the present common council of the village of East Saginaw, who shall canvass the said certificates and declare the result of said election, in the same manner that the common council

Subsequent elections.

are required to do by this act; and all subsequent elections shall be held in said village, and superintended by the president, recorder and

Poll list to be kept.

one or more of the trustees: *And further,* That the poll of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same, and the said officer or officers shall proceed without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said

When certain ballots to be destroyed.

election, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess, and if two or more ballots are found rolled or folded up together, they shall not be estimated, and thereupon the

To count votes and certify result.

officer or officers holding such election, shall immediately proceed openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after the said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election, and in case it shall at any

Common council to canvass returns.

time happen that two or more persons shall have an equal number of votes for the same office, the common council shall take as many strips of paper of equal size as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected; and in all cases not herein otherwise provided for, the inspectors of said election, or of any election held pursuant to this act, shall have the same power and proceed in the same manner in all respects as prescribed by the laws of this State for the inspectors of special and general elections.

In case of a tie, the election to be determined by lot.

Sec. 4. It shall be the duty of the recorder of said village to give five days' public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election, and the said officers so elected and notified as aforesaid, shall, within ten days after the receiving of such notice, take an oath or affirmation before a justice of peace or notary public for said county of Saginaw, to support the constitution of the United States and of this State, and faithfully and impartially to execute and discharge the duty of their said offices, a certificate of which shall be filed with the recorder of said village.

Notice of election.

Notice to persons elected.

Oath of officers.

Sec. 5. It shall be the duty of the president to preside at all meetings of said council, and in case of his absence the common council may appoint one of their own number a president pro tem.; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings: *Provided*, That the common council may appoint a clerk, who shall, under the direction of the recorder, keep such record and perform such other duties as the council may direct.

Duties of the president and recorder.

Appointment of clerk.

Sec. 6. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "the common council of the village of East Saginaw," and by that name they and their successors shall be known in law, and shall be and are hereby made capable of

Body corporate, name, powers, &c.

suing and being sued, of impleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record and any other place whatsoever; and may have a common seal and may alter and change the same at their pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real or personal estate for the use of said corporation: *Provided*, That said common council shall not be sued except in a court of record.

May have seal, hold property, &c.
May hold real estate.
Proviso.

Inhabitants liable to laws relating to township government.

Exception.

Powers of common council in relation to taxes.

Poll tax.

Proviso.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets, highways and bridges, and the labor to be performed thereon, within the limits thereof; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village, as they may deem necessary to be performed upon the streets, highways and bridges in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways, and may levy a poll tax not exceeding one dollar upon each person liable therefor by the laws of this State, and may provide for commutation therefor at any sum not exceeding one dollar for each day's labor assessed, and may make ordinances providing for the return of such taxes assessed or unpaid on real estate not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold for such tax in the same manner provided by section twenty-three (23) of this act: *Provided*, Such highway tax shall not exceed one day for every one hundred dollars' valuation, exclusive of poll tax.

Who to constitute common council

Quorum.

Meetings.

Powers.

Sec. 8. The president, recorder and trustees, when qualified and assembled together, shall constitute the common council of East Saginaw, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may from time to time appoint, and they shall have power to impose, levy and collect such fines as they may deem proper for non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by

them appointed, and to impose and collect fines for non-attendance:

Provided, That no such fine shall exceed five dollars for any one offence.

Sec. 9. In case of the death, resignation or removal of the president, recorder, or any of the trustees, or other officers elected by the electors of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order by a public notice, to be posted up in three public places in said village, that an election will be held by the electors of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers, which election shall be ordered to be held at any time within sixty days and not less than five days after such vacancy shall have occurred.

Vacancies;
how filled.

Sec. 10. The common council shall have power to remove at pleasure any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur, by death, resignation, removal, or any other cause, and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Removals.

Sec. 11. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require.

Treasurer &
marshal to
give se-
curity.

Sec. 12. The common council shall have full power and authority to appoint a marshal and all other officers necessary, under the provisions of this act, for said village, whose elections are not herein provided for; to make by-laws and ordinances relative to the duties, powers, and fees of the marshal, treasurer, assessor, and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and reservoirs: to regulate the construction of private drains; to license all showmen; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such num-

Power of
council as to
appoint-
ments.

By-laws and
ordinances
relative to
duties and
powers of
officers.

Streets.

Highway
taxes.

Nuisances.

Sewers.

Drains.

Showmen.

- Fire buckets ber of fire buckets and ladders as shall be ordered by the common
 Bridges. council; to regulate bridges within the limits of said village; relative
 Fires. to the protecting of the village from fires; relative to calling of meet-
 Meetings of ings of electors of said village; relative to the keeping and sale of gun-
 electors. powder in said village; relative to the restraining of swine, horses, and
 Gunpowder. other animals from running at large in the streets, lanes alleys, and
 Running at large of other public places in said village; to regulate and establish one or
 animals. more pounds in said village; to license, suppress or regulate billiard
 Gaming. tables, and all other gaming tables kept for hire, gain or reward, in said
 village; and also full power and authority to make all such by-laws and
 ordinances as may be deemed by the common council expedient or ne-
 Disorderly cessary for the preventing or suppressing all disorderly and bad houses:
 houses. *Provided, always,* Such by-laws shall not be repugnant to the consti-
 proviso. tution and laws of the United States or of the State of Michigan: *And*
 proviso. *provided also,* That no by-laws or ordinances of said corporation shall
 have any effect, until the same have been published one week in a
 newspaper printed in said county of Saginaw, or by written or printed
 notices posted up one week, in three of the most public places in said
 village.
- Ferries. Sec. 13. The common council of the village of East Saginaw, or the
 major part of them, shall have the sole and exclusive power from time
 to time to license, continue and regulate so many ferries from within
 said village of East Saginaw to the opposite shore of Saginaw river, for
 the carriage and transportation of people, goods and chattels across the
 said river, in such manner as shall appear to them most conducive to the
 public good: *Provided,* That nothing contained in this section shall be
 proviso so construed as to deprive any person whatever of the possession of the
 property or soil on the shore of said river, nor of any right of ferriage
 under any existing license.
- Fires. Sec. 14. The common council shall have power to make all such by-
 laws and ordinances as shall be necessary to secure said village and the
 inhabitants thereof against injuries by fire, and persons violating the
 public peace; for suppression of riots and gambling, and for the punish-
 Public ment of the same; for the apprehension and punishment of vagrants,
 peace. drunkards and idle persons; and they shall have power and authority to
 Vagrants. make all such by-laws and ordinances as to them shall seem necessary
 for the safety and good government of said village, and the inhabitants

thereof, and to impose all fines, penalties or forfeitures on all persons ^{Fines, &c.} offending against the by-laws and ordinances made as aforesaid.

Sec. 15. The common council shall have full power to prevent the ^{Liquors.} vending of liquors in any place within said village, not duly licensed; to regulate the measuring of firewood and the weighing of hay, and to ^{Fire wood, hay.} prescribe and designate the stand for carters and carts, draymen and ^{Carts.} dravs, and for wood, hay and produce exposed for sale in said village; to appoint a sealer of weights and measures; to prevent and punish immod- ^{Sealer of weights and measures.} erate driving in any of the streets of said village; to prohibit bathing ^{Immoderate driving. Bathing.} in any of the public waters of said village; to prevent the incumbering ^{Incumbrances.} of the streets, sidewalks, alleys, public grounds or squares; to provide for clearing the Saginaw river, within the limits of said village, of ^{Saginaw river.} all wood, filth, or other nuisances, and to regulate all graveyards and ^{Cemeteries.} places of burial of the dead for said village.

Sec. 16. The common council shall have authority to lay out and es- ^{Streets, &c.} tablish, vacate, open, make and alter, such streets, lanes, alleys, sidewalks, highways, water courses and bridges, within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes the grounds of ^{Proceedings on taking private property for public use.} any person, they shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service or by written notice, posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to enquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to enquire into the necessity of using such ground or prem-

isea, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley, sidewalk, highway or bridge, shall be made, opened or established, or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used

Proviso.

for the purposes aforesaid: *Provided*, That the common council, or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury and the judgment of said justice as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal:

Proviso.

Provided, That if the final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Watch house and prison.

Sec. 17. The common council shall have authority to build a watch-house or village prison, and appoint the requisite officers for the same:

Proviso.

Provided, That the assent of a majority of electors of said village be given for the same, at a meeting held for that purpose.

Jurisdiction of justices of peace of Buena Vista

Sec. 18. Any justice of the peace of the township of Buena Vista is hereby authorized and empowered to enquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this

act, and to punish the offender or offenders as by the said by-laws, ordinances or regulations shall be prescribed or directed: *Provided, always, Proviso.* That any person on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Saginaw county.

Sec. 19. The marshal, recorder, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct, but the residue of the common council shall not receive any pecuniary compensation for their services. Compensation of certain officers.

Sec. 20. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, also the disposition thereof; previous to which they shall settle and credit (audit) the accounts of the treasurer, and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village. Annual statement of affairs of village.

Sec. 21. In all processes, prosecutions, and other proceedings wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceeding: *Pro- Proviso.* *vided,* That such interest be only that which is in common with the citizens of said village. Citizens not deemed incompetent.

Sec. 22. Whenever any action or suit shall be commenced against the corporation, process against said corporation shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided,* That the first process shall be by summons, and a copy thereof left with the recorder at least ten days before the return day thereof. Process against village; on whom to be served. *Proviso.*

Poll tax.

Sec. 23. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real or personal property (not exempt from taxation) within the limits of said village, necessary to defray the ex-

Proviso.

penses thereof: *Provided*, The said taxes so assessed and collected shall not exceed, in any one year, one per centum upon the valuation of said real and personal property, and exclusive of the sidewalk, highway and capitation or poll tax; and every assessment of taxes, lawfully laid and imposed by the said common council on any lands, tenements, heredita-

Taxes a lien.

ments, or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments from the time of making such assessments or imposing such tax until paid, and the owner or occupants or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid, and in default of such payment or any part thereof, it shall

Sale of property for taxes.

be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax

Proviso.

is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each, previous to such sale, and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing describing the lands purchased and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate

Redemption

of sale shall not, within one year from the date thereof, pay to the said treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal or his successor in office shall, at the expiration of the said year, execute to the purchaser or purchasers, his or their heirs and

Conveyance.

assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be prima facie evidence that the sale and all the proceedings therein prior to such sale were regular, according to the provisions of this act and the ordinances of such village; and every such

conveyance executed by said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and when such deed shall have been on record for two years in the office of register of deeds of said Saginaw county, it shall be conclusive evidence of title in the person to whom such real estate was sold, his heirs or assigns, unless it shall be made to appear that the tax for which the land was sold had been duly paid, or that said land was not liable to taxation at the time such tax was assessed: all personal property sold for taxes in said village, shall be sold in such manner as the by-laws and ordinances of the village shall prescribe.

Sec. 24. Whenever the assessor of said village shall have completed the assessment roll and valuation of the property, real and personal, in said village, it shall be his duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where said roll is left for the inspection of all persons interested, and of the time when and the place where he will meet to hear the objections of any persons interested to the valuation made by him; and at the time so appointed the assessor shall be present at such place, and on the application of any person considering himself aggrieved, may review and reduce the said valuation on sufficient cause being shown upon oath, to the satisfaction of said assessor; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessor, they shall have the right of appealing from such decision at any time within ten days thereafter, to the common council, who are in like manner hereby authorized upon sufficient cause being shown as aforesaid, to reduce said valuation.

Notice of completion of assessment roll.

Review of roll.

Appeal.

Sec. 25. It shall be the duty of the common council to make or cause to be made out, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, or in case of their absence, or the absence of either of them, by any two members of the common council, and delivered to the marshal, whose duty it shall be to collect

Tax list.

the same, within such time and in such manner as the by-laws and ordinances of the village shall direct.

Taxes to be
paid by
marshal to
treasurer.
Proviso.

Sec. 26. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the village: *Provided, however,* That the highway rolls may be collected by the street commissioners, who, for that purpose, are hereby vested with all the powers of overseers of highways under the laws of this State, and such other powers as may be conferred upon them by the ordinances of the village.

Street com-
missioners.
Their duties

Sec. 27. The common council shall have power to appoint one or more street commissioners or other officers, to superintend and direct the making, planking, repairing and opening all streets, lanes and alleys, side walks, highways or bridges, within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading and making such side-walks to be assessed on lots or premises adjoining such improvements, or by general assessment or otherwise as they may direct.

Fire com-
panies.

Sec. 28. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments as shall be necessary to extinguish fires, and preserve property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided,* Such number does not exceed fifty, in the management of one engine; and such

Proviso.

Power of
fire com-
panies.

fire, hose, and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof, and the members of such company, during their continuance as such, shall be exempt from serving on juries, and working a poll tax on the streets and highways of said vil-

Exemption
of firemen.

lage; and it shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, hooks and ladders, and other instruments of such company; it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other instruments with a view to their perfect order and repair, and the fire department shall in all respects be under the control and government of the common council, and shall obey all by-laws and ordinances of the village under such penalty as shall be prescribed therein.

Duties of
fire com-
panies.

Sec. 29. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire, as in preventing any goods from being stolen, and also removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Duties of
marshal at
fires.

Sec. 30. This act shall be deemed a public act. All acts done, rights accrued or acquired, or proceedings had or commenced by virtue of the act of which this act is amendatory, are hereby saved and secured, and all rules, by-laws, and ordinances of the village under said act, shall continue in force until repealed by the council, and all officers elected or appointed under said act shall continue to hold their offices during their term, or until removed, as though said act had continued in full force.

This a pub-
lic act.

This act is ordered to take immediate effect.

Approved February 12, 1857.

[No. 104.]

AN ACT providing for granting diplomas to graduates of the State Normal School.

SECTION 1. *The People of the State of Michigan enact*, That the board of instruction of the State Normal School are authorized to grant to graduates of said institution diplomas, which, when signed by the members of the State Board of Education, shall be regarded as evidence that such graduates have completed the prescribed course of study in said institution.

Diplomas
may be
granted.

Certificate. Sec. 2. Each diploma so conferred shall be accompanied by a certificate, signed by the board of instruction, which, when recorded in the office of the clerk of any township in this State, shall serve the holder as a certificate of qualification to teach in any primary school of said township, until the same shall be amended (annulled) by the school inspectors of such township under the provisions of law for annulling certificates.

Approved February 13, 1857.

[No. 105.]

AN ACT to provide for the construction of a State road from Saginaw City, by way of St. Louis and Ithaca, in Gratiot county, to St. Johns, in Clinton county.

Commissioners appointed

SECTION 1. *The People of the State of Michigan enact*, That John B. Hughes, of Saginaw City, Hiram Burgess, of St. Louis, and John Jeffrey, of Ithaca, in Gratiot county, be and the same are hereby appointed commissioners to lay out and establish a State road from Saginaw City, on the most eligible route by way of St. Louis, in the county of Gratiot, and Ithaca, in said county, to St. Johns, in the county of Clinton.

Route of road.

Certain highway taxes appropriated.

Sec. 2. That the non-resident highway tax in the respective townships through which said road shall pass, that shall be assessed upon the same, except the west half of the township of Arcadia, Newark and Fulton, in the county of Gratiot, be and the same is hereby appropriated for the construction and improvement of such road, for the period of three years from the first of January, eighteen hundred and fifty-seven, to be expended as hereinafter provided.

Overseers of highways to pay over commutation moneys

Sec. 3. Any overseer of highways within such township, or any township treasurer thereof, having received any portion of such non-resident tax for any of the period above specified, by way of commutation or otherwise, shall, on demand of the special commissioners hereinbefore named in this act, or any one or two of the same, pay over to them any sum so received; and the receipt of said special commissioner or commissioners, shall release such overseer or treasurer from any further liability herefor.

Sec. 4. It shall be the duty of such special commissioners to super-^{Duties of commis-}intend the expenditure of such sums of money as may from time to sioners. time be collected and received by them, for the benefit and improvement of said road, and to direct and determine the manner in which said labor shall be applied: *Provided*, That all moneys collected in the ^{Proviso.} counties hereinbefore mentioned, shall be expended within the limits of each county wherein the same may have been collected. And the said special commissioners shall lay out the said road in accordance with the provisions of the general highway law, which may then be in force, so far as the provisions of the same, relative to assessing damages to private property over which said road may pass, shall be concerned; and in case no such valid law shall then be in existence, said special commissioners shall cause the same to be assessed, in cases where it may be necessary, by a jury of twelve freeholders, residing in the vicinity of such property, or by three commissioners appointed by a court of record, as provided for in section two of article eighteen of the constitution of the State of Michigan.

Sec. 5. That said commissioners may receive subscriptions and dona-^{Commis-}tions for the benefit of said road, and shall cause the same to be faith- sioners may receive donations. fully applied to the establishment and improvement thereof; and it shall ^{To account to board of supervisors.} be the duty of such special commissioners to render to the board of supervisors of each county above named, at their annual session, a true account of the application and disbursement of all moneys they may have received in such counties respectively each year.

Sec. 6. Before the said special commissioners shall draw any money ^{Bond.} from the treasuries of the aforesaid counties, by virtue of this act, the commissioners so drawing shall give a bond to the treasurer of the proper county, with one or more sureties, in double the amount so to be drawn, conditioned for the faithful performance of their duties as such commissioners; which bond shall be approved by such treasurer, and be filed by the clerk of the proper county.

Sec. 7. The said special commissioners shall receive as compensation ^{Compensation.} for their services one dollar and fifty cents per day while actually engaged in the services of said road; which amount shall be audited and allowed by the board of supervisors of Gratiot county, and paid out of the fund created by this act; and the said board of supervisors shall require said special commissioners to verify their account by affidavit.

Vacancies;
how filled.

Sec. 8. In case any of the above mentioned special commissioners shall not accept an appointment under this act, or after entering upon a discharge of the duties required of them as such commissioners by the same, shall vacate said appointment by resignation, sickness or death, or other legal disability, the county treasurer, county clerk, and prosecuting attorney of Gratiot county, or any two of them, upon being duly notified of the same, and requested by five or more citizens of said county so to do, shall appoint some suitable person to fill said vacancy.

Sec. 9. This act shall take immediate effect.

Approved February 13, 1857.

[No. 106.]

AN ACT to provide for the drainage and sale of the swamp lands, for the disposition of the proceeds, and for the confirmation of the title of certain purchasers.

Supervision
of swamp
lands.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office shall have the supervision and sale of the swamp lands, granted to said State by an act of Congress, bearing date September (28) twenty-eight, (1850) eighteen hundred and fifty, whether the title of the same has vested or may hereafter vest in said State, and may dispose of the said lands in the manner hereinafter directed, but none of said lands shall be offered for sale, till the patent for the same shall be received by the State.

Lands to be
offered at
public sale.

Sec. 2. The said lands shall be offered at public sale, but shall not be sold at a less price than (\$5) five dollars per acre, which shall be the minimum price therefor; and shall be subject to entry at private sale, after being offered at public auction as in this act provided.

Notice of
sale.

Sec. 3. Before any such sale at auction shall be allowed, said commissioner shall cause public notice of time and place of said sale, to be published in each county of this State in which a newspaper shall be published, once in each week for six successive weeks before said sale; and said notice shall describe said lands by their legal sub-divisions and by said descriptions shall they be sold.

Payment by
purchaser.

Sec. 4. The purchaser at such public sale, shall pay a sum not less than twenty-five per cent. of the purchase price of the land so purchased, and may be required (if in the opinion of said commissioner the interest

of the State demands it) to pay a greater proportion at the time of said sale, or at any time when the same shall be required by the said commissioner; said commissioner shall require that part of the purchase money to be paid down, on the day of the sale, and if the purchaser shall refuse or neglect to make such payment, his bid shall be void, and the tract shall be again offered at public sale, and the person so neglecting to pay shall not be allowed to purchase the same but shall be liable to pay to the people of the State the difference between his bid and the price at which the said land shall be sold, (if less than his bid,) with double costs, and may be arrested therefor, and if a recovery be had, imprisoned, as in cases where it is competent to proceed against the body.

Sec. 5. Every sale of swamp lands made under the provisions of this act, whether at public or private sale, shall be upon condition, and the purchaser shall take the same, subject to all the obligations imposed upon the State by the said act of Congress; and neither said purchaser nor any person claiming under him, shall have any claim upon the State, further than is provided for in this act, or any of its municipal bodies, to ditch, drain, or in any manner reclaim said land or any part thereof, as mentioned in said act of Congress; but every deed or conveyance made under the provisions of this act shall be absolute, and shall vest in the purchaser the fee of the land so conveyed. Conditions of sale.

Sec. 6. The terms of payment for lands sold under this act, shall be as follows, viz.: twenty-five per centum of the purchase price to be paid as specified in the third section of this act, unless said commissioner should require a larger sum than twenty-five per cent., which, if he does, he must so manifest it by giving notice on the day of sale, and the balance of the principal may be paid at any time thereafter, and the interest shall be paid annually; said payments shall be made to the Treasurer of the State. Terms of payment.

Sec. 7. At the time of such sale, the said commissioner shall deliver to the purchaser a certificate, on which, in the name of the people of the State of Michigan, he shall certify the name of the purchaser, a description of the land sold, with the quantity and price of such tract or parcel, the consideration paid and to be paid therefor, and time and manner of paying interest, and that the said land is sold agreeably to the provisions of this act, and that in case of the non-payment of said bal- Certificate. Contents.

Patents.

ance and interest, as in said certificate mentioned, said certificate and sale shall be void, and said land may be resold by said commissioner; such certificate shall also set forth, that upon payment of the full amount due thereon, and presentation of said certificate to the Secretary of State with official evidence of such payment, and sufficient evidence of the fulfillment of all the obligations imposed upon this State by said act of Congress, the purchaser, his heirs or assigns, shall be entitled to a patent, to be executed by the Governor, for the land therein described; and the patents to be issued under the provisions of this act, shall state that the said sale and conveyance so made, is subject to the provisions of this act; also, the provisions of an act entitled an act to authorize the Governor to issue patents in certain cases, approved March (28) twenty-eight, (1846) eighteen hundred and forty-six; and the act entitled an act to amend chapter (60) sixty, title (12) twelve of the revised Statutes of (1846) eighteen hundred and forty-six, approved April (4) fourth, (1851) eighteen hundred and fifty-one, so far as they are not inconsistent with this act, shall regulate and apply to the rights of purchasers and assignees of said certificates.

Provisions of law to apply to swamp lands.

Sec. 8. All the provisions of law now in force, not inconsistent with this act, and applicable to the public lands of this State, shall be held to apply to the said swamp lands; and all powers and duties prescribed to any public officer or court, or prosecuting attorney, relative to the public lands, shall, if not inconsistent with this act, be exercised and performed in relation to said swamp lands.

Proceeds of sales; how disposed of.

Sec. 9. Of the proceeds of the sales of said swamp lands paid or to be paid into the State Treasury, twenty-five per centum shall be reserved and set apart as a drainage fund for the purpose of aiding the counties in which the lands sold may lie, the interest of which, at the rate of seven per cent., shall be, in pursuance of law, appropriated to drain such of the said lands as are situate in the county, and which, in the opinion of the supervisors, are capable of drainage, and can be profitably drained, and shall not have been sold under the provisions of this act; and the balance of such proceeds, after deducting the necessary and lawful expenses of such sales, shall be appropriated to and constitute a part of the primary school fund, derived from the sales of primary school lands. Said balance shall be considered as loaned to the State at an interest of seven per cent. per annum, which interest shall

be paid in to the primary school fund annually, and the principal thereof is hereby appropriated to the payment of the outstanding indebtedness of the State, secured by its bonds or stocks, in the order in which they shall fall due.

Sec. 10. Any swamp lands heretofore sold by the Commissioner of the State Land Office, being part of the lands granted to this State, by the aforesaid act of Congress, may, at the option of the purchaser, be released to the State by deed; and any purchaser may at any time before the first day of September next, present his certificate of purchase to the commissioner of the State land office, and receive of the Treasurer of the State, upon evidence that the same is surrendered, the amount paid thereon, with interest from the date of such certificate, and in case the purchaser has received a deed for said land, he may return the same, and upon surrender be paid as aforesaid, but if said deed has been recorded in the county where the said land is situated, and the said land has not been conveyed by said purchaser, he shall reconvey the same to the State, and cause the deed to be recorded in the proper county, and before he shall receive the money thereon, he shall furnish evidence to the commissioner, of said record, and shall file with said commissioner his affidavit, that said certificate has not been assigned, or the land in said deed so presented, conveyed by him to any person; but no purchaser shall return a less quantity of any purchase, than the whole amount of land purchased by him at any one time.

Lands heretofore purchased may be surrendered to State.

Sec. 11. The sales of all such swamp lands heretofore purchased of said commissioner, being part of lands granted by said act of Congress, in case the same shall not be returned on or before the said first day of September next, as above provided for, shall be and the same are hereby ratified and confirmed, as of the dates of said sales respectively; and neither such purchasers, nor any person claiming under them, title to said lands or any of them, shall have any claim or demand upon this State, to drain or in any manner reclaim the said lands or any part thereof, but shall fulfill all the obligations imposed upon the State by said act of Congress, and upon failure thereof, shall be prosecuted by the prosecuting attorney of the county in which such lands may lie, for any damages the State may sustain by reason of the violation of its obligations imposed by said act of Congress upon the State.

Sales heretofore made confirmed.

Repeal. Sec. 12. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved February 14, 1857.

[No. 107.]

AN ACT to to establish the Detroit and Saginaw road.

Detroit and Saginaw road established as a public highway.

SECTION 1. *The People of the State of Michigan enact,* That the road heretofore known as the Detroit and Saginaw road, laid out under the provisions of an act of the Congress of the United States entitled "an act to authorize the laying out and opening of certain roads in the territory of Michigan," approved March (2) second, (1827) eighteen hundred and twenty-seven, be and the same is hereby established as a public highway, as the same is laid out and used from its intersection by the northerly line of the "ten thousand acre tract," in the county of Wayne, to the northerly terminus of said road in the county of Saginaw, of the uniform width of four rods; and that the same shall be ascertained by measuring two rods in width from each side of the centre of the present carriage way on said road, along the whole extent thereof, from the intersection aforesaid to the said northerly terminus.

Not to affect rights of plank road.

Sec. 2. Nothing in this act contained shall be construed to impair any rights which any plank road may have heretofore acquired to the use of said road, within the limits above established by virtue of its charter, or the laws of this State.

Approved February 14, 1857.

[No. 108.]

AN ACT to amend an act to incorporate the village of Dundee, approved February tenth, eighteen hundred and fifty-five.

Section 28 stricken out, and new section substituted.

SECTION 1. *The People of the State of Michigan enact,* That an act to incorporate the village of Dundee, approved February ten, eighteen hundred and fifty-five, be amended by striking out section 28, and inserting a new section in place thereof, to read as follows:

Proceedings to organize village.

§ 28. In case of any failure to organize the said village, pursuant to the provisions of this act, previous to the first Wednesday of April,

A. D. eighteen hundred and fifty-seven, it shall be lawful for the male inhabitants of the said village to meet at the red school house in said village, on the first Wednesday of April, A. D. one thousand eight hundred and fifty-seven, at ten o'clock in the forenoon, and proceed to organize the said village pursuant to the provisions of section two of this act, by the election of the officers provided for in said section, and in all other respects as provided by said act.

This act is ordered to take immediate effect.

Approved February 14, 1857.

[No. 109.]

AN ACT to provide for feeing an attorney when appointed by the Court.

SECTION 1. *The People of the State of Michigan enact*, That an attorney appointed by a court to defend a person indicted for any offence on account of such person being unable to procure counsel, shall be entitled to receive from the county treasury, on the certificate of the presiding judge that such services have been duly rendered, one of the following fees: For defending in a case of murder, twenty-five dollars; in case of other felonies, ten dollars; in case of misdemeanors, five dollars.

Fees of attorney for defending criminals when appointed by court.

Sec. 2. An attorney shall not, in such case, be compelled to follow a case into another county or into the supreme court, and if he does so may recover an enlarged compensation, to be graduated on a scale corresponding to the prices above allowed.

Attorney need not follow case into another county, or into supreme court

Sec. 3. Only one attorney in any one case shall receive the compensation above contemplated, nor shall he be entitled to this compensation until he files his affidavit in the office of the county clerk, in which such trial or proceedings may be had, that he has not, directly or indirectly, received any compensation for such services from any other source.

Only one attorney to receive compensation in any one case

Approved February 14, 1857.

[No. 110.]

AN ACT to change the name of Mary Fairley.

SECTION 1. *The People of the State of Michigan enact*, That the name of Mary Fairley be changed to Mary Fairley St. Clair.

Mary Fairly St. Clair.

Approved February 14, 1857.

[No. 111.]

AN ACT to furnish the Michigan Journal of Education to the school districts.

Superintendent public instruction to subscribe for Mich. Journal of Education for each school district in State

SECTION 1. *The People of the State of Michigan enact,* That the Superintendent of Public Instruction be and is authorized to subscribe for one copy of the Michigan Journal of Education, a periodical published under the direction of the Michigan State Teachers' Association, for each school district in this State, to be sent by mail, the postage being pre-paid by the publisher, to the directors of the said districts, the price of such subscription to be sixty cents a year for each copy, and such subscription to begin with the January number of the present year.

Laws relating to public instruction to be published in Journal

Sec. 2. All general laws relating to public instruction which shall hereafter be passed in this State, and all general notifications or instructions issuing from the department of public instruction, shall, when directed by the superintendent of public instruction, be published in said Journal of Education, free of charge to the State.

Certificate of superintendent to be delivered to publisher.

Sec. 3. Upon making such subscription, the superintendent of public instruction shall make and deliver to the publisher of said Journal of Education, quarterly, his certificate in writing, stating the number of copies so subscribed for and sent as aforesaid, and the amount due therefor at the time of making such certificate; and the auditor general, on presentation to him of such certificate, shall draw his warrant upon the State treasurer for the amount named in said certificate, and said treasurer is directed to pay the amount of the said warrant to the holder thereof, out of any moneys in the treasury not otherwise appropriated.

Approved February 14, 1857.

[No. 112.]

AN ACT to incorporate the city of Jackson.

Boundaries.

SECTION 1. *The People of the State of Michigan enact,* That so much of the township of Jackson, in the county of Jackson, as is embraced in the following description, to wit: Commencing at the southwest corner of section thirty-four in town two south of range one west, running thence north on the west line of said section, two hundred and

fifty-four rods; running thence east and parallel with the south line of said town across said section thirty-four, and to a point two hundred and twenty rods east of the west line of section thirty-five in said town and range; running thence south across said section thirty-five and section two in town three south of range one west, to a point fifty-two rods south of the east and west quarter post line of the last named section; running thence west parallel with the north line of said last named town to the west line of section three therein; running thence north on the section line thereof to the place of beginning, be and the same is hereby set off from said town of Jackson, and declared to be a city by the name of the "city of Jackson," by which name it shall be hereafter known.

Sec. 2. The freemen of said city from time to time, being inhabi- ^{Body} tants thereof, shall be and continue a body corporate and politic, to be ^{corporate.} known and distinguished by the name and title of the mayor, recorder, ^{Title.} and aldermen of the city of Jackson, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of ^{Powers.} answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for said city.

Sec. 3. The said city shall be divided into four wards, as follows, to ^{Wards.} wit: the first ward shall embrace all that portion of the city lying north ^{1st Ward.} of Main street, and the continuous line thereof, and west of Mechanic street to Ganson street, and west of Grand River north of said Ganson street; the second ward shall embrace all that portion of the city ^{2d Ward.} lying south of Main street and the continuous line thereof and west of Mechanic street and the continuous line thereof; the third ward shall ^{3d Ward.} embrace all that portion of the city south of Main street, and east of Mechanic street and the continuous line thereof; and the fourth ward ^{4th Ward.} shall embrace all that portion of the city lying north of Main street, and east of Mechanic street to Ganson street, and east of Grand River north of Ganson street: *Provided*, That whenever a street or river is ^{Proviso.} mentioned in this act as a boundary or division line, the centre of said street or river shall be deemed to be the said line.

mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant, and it shall authorize the treasurer in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Trustees to
collect taxes

Sec. 34. The treasurer, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon each person taxed, if a resident of the city, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the treasurer shall levy the same by distress and sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner, as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made. The said treasurer shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return said tax roll into the office of the recorder; and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent enquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

Return.

New
warrant.

Sec. 35. Whenever the treasurer shall not be able to collect any city tax on personal property, on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the treasurer for such tax; and thereupon said warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council, and the treasurer shall charge interest on all such taxes, at ten per cent. per annum, from the time of returning the tax roll until the day of collection; it shall also be lawful for the treasurer, in the name of the city, to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll before

any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts to enforce the payment of any such tax. Executions issued upon judgments rendered for every such tax, may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer with such execution shall be the same in all respects as is now directed by law. The production of any assessment roll on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed of the city, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be prima facie evidence of the legality and regularity of the assessment of the same; and the court before whom the cause may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Sec. 36. The recorder shall immediately after receiving the said statement transcribe the same into a book to be provided and kept for that purpose, and shall under the directions of the common council, and in pursuance of the ordinances or resolution of said council, proceed to sell at public sale so much of said lands so returned on account of the non-payment of the taxes thereon, as shall be necessary to satisfy the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, notice of which sale shall be given by publication in a newspaper published in said city once in each week, for four successive weeks preceeding such sale, and the said recorder on such sale shall give to the purchaser or purchasers of any such lands a certificate in writing describing the lands purchased, and the time when the purchaser will be entitled to a deed for the same, and in case a less amount than the whole of any such description should be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: *Provided*, That if any parcel of land cannot be sold to any person for the taxes and charges, the recorder shall bid the same off to the common council of said city, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the

Sale of property for taxes.

Notice of sale.

Certificate of sale.

Provide:

same had been given to any other purchaser thereof. Upon the completion of said sale, the said recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax and amount for which the same were sold, and the names of the purchasers, which shall be transcribed in a book to be provided for and kept by said treasurer, and said recorder shall also pay to said treasurer at the same time, all the moneys received upon said sales.

Redemption Sec. 37. Any person claiming any of the lands sold as aforesaid, or any interest therein, may, at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying to the treasurer of said city the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent. per annum, fifteen per cent. of which shall be paid to the purchaser, but in no case shall the interest be computed for a less time than three months from the day of sale, whereupon the treasurer shall issue to and deliver to the person making such payment a certificate of the redemption thereof, and he shall at the expiration of the year after the making of said sales, deliver to the recorder of said city, a statement of all the lands that have been redeemed as aforesaid, and the amounts paid for such redemption.

Deed. Sec. 38. Upon the presentation of any such certificate of sale to the recorder after the expiration of the time for the redemption of the lands sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon, and the same conveyance shall be prima facie evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the same by the supervisors, to the date of the deed inclusive, and every such conveyance duly made and acknowledged, may be given in evidence in all the courts of this State, in the same manner, and with the like effect of any other conveyance of real estate, or any interest therein, and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned for non-payment by mistake or otherwise

Deed, prima facie evidence.

improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the land therein described has been conveyed as aforesaid, and thereupon the recorder shall draw an order upon the treasurer, countersigned by the mayor, for the amount of the purchase money, and no deed shall be given upon such certificate of sale.

Cancelment
of certificate

Sec. 39. The said common council shall also have authority and power to levy and assess taxes upon the real and personal property within the limits of said city, to the extent that it shall be deemed necessary by the common council, not to exceed one-half of one per cent. on the valuation, for the purpose of being expended upon the streets, lanes and alleys, and public grounds of the city, in opening, working upon, repairing and grading such streets, lanes, alleys and public grounds; and in levying and assessing the same, the said common council may vary the ratio of taxes to be raised for that purpose in the respective wards of said city, and the manner of levying and collecting such taxes, and the return of property for non-payment of taxes, and the sales and redemption of the same shall be the same, as near as may be, as other city taxes are to be assessed and collected, and it shall be the duty of the common council to expend the money so raised for the purpose aforesaid, in the respective wards of said city, according to the amount raised in each and every of said wards, and the same shall be expended by contract or otherwise under the supervision of the marshal, acting as street commissioner, or one or more of the deputy street commissioners that may be appointed by the common council of said city.

Common
council may
levy taxes to
improve
streets, &c.

Sec. 40. The common council of said city is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon the township boards of the several townships of this State in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections, except as is otherwise provided by this act: The mayor and recorder shall select and return lists of grand and petit jurors in the same manner and within the same time that the same duty is required of township officers in this State, and the supervisors, justice of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same

Common
council to
have same
powers as
township
boards in
reference to
schools.
County and
State taxes.
Poor.
Elections.

Lists of
jurors.

Oaths of
office.

Compensa-
tion.

Liabilities. manner, and be subject to the same liabilities, as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

Compensation of certain officers. Sec. 41. The recorder, marshal, deputy street commissioner, and all other officers of said city, shall receive such compensation for their services as the common council may deem right and proper, unless the same is fixed by the provisions of this act, but the mayor and aldermen shall receive no compensation for their services.

Council to publish account annually. Sec. 42. The common council shall, at least once in each and every year, cause to be published a just and true account of all the moneys received or expended by them in their corporate capacity, during the year or other period next preceding such publication, and also the disposition thereof, previous to which they shall audit and settle the accounts of the city treasurer, and the accounts of all other officers or persons having claims against the city or accounts with it, and shall make out in detail a statement of all receipts and expenditures, and which statement shall fully specify all the appropriations made by the common council, and the object and purpose for which the same were made, and the amount of money expended under such appropriation, the amount of taxes raised, the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city.

Village officers to discharge duties of city officers. Sec. 43. The president, recorder and trustees of the village of Jackson, shall be the common council, and shall respectively discharge all the duties of the mayor, recorder and aldermen of the city of Jackson, and all the other officers of said village shall be such officers of the city of Jackson, until others are elected and qualified in their stead, and all the by-laws, ordinances and other regulations of the common council of said village, now in force, not inconsistent with this act, or the provisions of the statutes of this State, shall be and remain in force until altered or repealed by the common council of the said city of Jackson, and all the town officers of the township of Jackson, residing within said city, may continue to discharge all the duties of such officers for said township until after the first Monday of April next.

Money not to be drawn from treasury unless appropriated. Sec. 44. No moneys shall be drawn from the treasury unless it shall have been previously appropriated to that especial purpose; and any order or warrant directing or requiring the payment of the same shall

specify the object and purpose of such payment, and shall be signed by the recorder, and countersigned by the mayor of said city.

Sec. 45. All the personal and real estate, rights, credits, and effects whatsoever, and all and every right or interest therein, belonging to the village of Jackson, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created by this act, saving, nevertheless, to all and every person his or their just rights therein, and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created, every person who is or shall be possessed thereof shall deliver the same to the mayor, recorder and aldermen of the city of Jackson, with all moneys, deeds, evidences of debt, property, books and papers touching or concerning the same, when legally required thereto; and the said city may sue in its corporate name to recover any demand or debt due or to grow due to said village, and the corporation hereby created shall be liable for and pay all just debts due from, or claims or demands against, the village of Jackson or the common council thereof, and all contracts made or agreements entered into by the corporate authorities of the village of Jackson shall be and the same are hereby made binding and obligatory upon the corporation hereby created.

City to succeed to rights and liabilities of village.

Sec. 46. That all that part of the township of Jackson lying in town two south of range one west, and not included in the limits of the city of Jackson, be and the same is hereby set off from the residue of said township, and organized into a separate township by the name of Blackman; and the first election of township officers shall be held at the house now occupied by George Woodworth, in said township.

Blackman set off.

Sec. 47. That all that part of the township of Jackson lying in town three south, of range one west, and not included in the city of Jackson, be and the same is hereby set off from the residue of said township, and organized into a township by the name of Summit, and the first election of township officers shall be held at the school house near the residence of Curtis Whelock in said township.

Summit set off.

Sec. 48. The act of the Legislature of the State of Michigan, entitled an act to incorporate the village of Jackson, approved March seventh, eighteen hundred and forty-three, and all acts and parts of acts amending or altering said acts, are hereby repealed: *Provided, however,* That the repealing of said laws shall not affect any act already done, right

Repeal.

Proviso.

Warrant

to imprisonment, shall have escaped from the county, or shall reside or be without the limits thereof, any justice of the peace residing in said city, to whom complaint shall be made, shall issue a warrant in the name of the people of the State, directed to the sheriff of any county in this State, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and every sheriff to whom said warrant shall be delivered for service, is hereby required to execute the same, under the penalties which are incurred by law by sheriffs and other officers for neglecting or refusing to execute criminal process.

Jury.

Sec. 28. In all trials before any justice of the peace under the provisions of this act, of any person charged with any violation of any by-law or ordinance of the common council, he shall be entitled to a trial by a jury of six persons, and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity as near as may be, with the mode of proceedings in similar cases before justices of

Appeals.

the peace, and in all cases the right of appeal from the justice' court to the circuit court for said county of Jackson, shall be allowed to the parties, and the same recognizance shall be given as is or may be required by law in appeals from justices' courts in similar cases.

Fines to be paid into city treasury

Sec. 29. All fines recovered for a violation of any by-law or ordinance of said common council, shall be paid to the treasurer of said city by the officer receiving the same immediately after the receipt thereof, and any person who shall refuse or neglect to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment in the discretion of the court.

Neglect a misdemeanor.

Punishment
Inhabitants
not disqualified
as witnesses or
jurors.
Proviso.

Sec. 30. In all suits or proceedings in which the corporation of the city of Jackson shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

Power of common council to

Sec. 31. The common council shall have power to assess and collect from every white male inhabitant of said city over the age of twenty-one

years, (except infants, paupers, idiots and lunatics,) a list of whom shall ^{levy and collect capita-} be made by the supervisors at the time of making their annual assess- ^{tion tax.} ment, an annual capitation or poll tax not exceeding one dollar, and they may provide by the by-laws for the collection of the same: *Provided*, ^{Proviso.} That the money received by such poll tax shall be expended in repairing the streets in the respective wards where the persons so taxed shall reside.

Sec. 32. The common council shall also have power and authority ^{Powers of common council to levy and collect taxes.} to levy and collect taxes on all real and personal property within the limits of said city, by them deemed necessary to defray the expenses thereof, not to exceed one-half of one per cent. on the valuation thereof, exclusive of expenses for the fire department, which shall not exceed one-fourth of one per cent. in addition thereto, and shall have power and authority to make and establish all necessary by-laws and ordinances for the collection of the same, and every assessment of tax lawfully imposed by the said common council on any lands, tenements and hereditaments, or premises whatsoever, in said city, shall be and remain a lien on such lands, tenements and hereditaments, from the time of ^{Taxes to be lien.} imposing such tax until paid, and the owner or occupant or parties interested respectively in said real estate, shall be liable, on demand, to pay every such tax to be levied as aforesaid.

Sec. 33. It shall be the duty of the recorder, under the directions of ^{Recorder to make tax roll.} the common council, whenever the city assessment roll shall have been completed in each and every year, to assess the taxes that have been levied by the common council for the year, adding thereto and to all other taxes required by law to be assessed by him, not more than four ^{Compensation.} per cent. for collecting expenses, upon the taxable property in the city, according and in proportion to the individual and particular estimate and valuation as specified in the assessment roll of the city for the year. He shall thereupon deliver to the city treasurer a copy of said assessment roll with the taxes for the year annexed to each valuation, and carried out in a column thereof, and if there be other taxes assessed than for the expenses of the city, they shall be carried out in separate columns, and carry out the total amount of taxes in the last column of said roll, and shall annex thereto a warrant under the hands of the re- ^{Warrant.} corder and mayor, and the seal of said city, commanding the treasurer to collect from the several persons named in said roll, the several sums

mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant, and it shall authorize the treasurer in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Trustees to
collect taxes

Sec. 34. The treasurer, upon receiving the tax roll, shall proceed to collect the taxes therein mentioned, and shall call upon each person taxed, if a resident of the city, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the treasurer shall levy the same by distress and sale of the goods and chattels of every such person, wherever found within the city, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice, and sell in the same manner, as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made. The said treasurer shall, within ten days after the time mentioned in his warrant for the collection of said taxes, return said tax roll into the office of the recorder; and in case any of the taxes mentioned in said roll shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent enquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

Return.

New
warrant.

Sec. 35. Whenever the treasurer shall not be able to collect any city tax on personal property, on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the treasurer for such tax; and thereupon said warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council, and the treasurer shall charge interest on all such taxes, at ten per cent. per annum, from the time of returning the tax roll until the day of collection; it shall also be lawful for the treasurer, in the name of the city, to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll before

any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts to enforce the payment of any such tax. Executions issued upon judgments rendered for every such tax, may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer with such execution shall be the same in all respects as is now directed by law. The production of any assessment roll on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed of the city, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be prima facie evidence of the legality and regularity of the assessment of the same; and the court before whom the cause may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Sec. 36. The recorder shall immediately after receiving the said statement transcribe the same into a book to be provided and kept for that purpose, and shall under the directions of the common council, and in pursuance of the ordinances or resolution of said council, proceed to sell at public sale so much of said lands so returned on account of the non-payment of the taxes thereon, as shall be necessary to satisfy the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, notice of which sale shall be given by publication in a newspaper published in said city once in each week, for four successive weeks preceeding such sale, and the said recorder on such sale shall give to the purchaser or purchasers of any such lands a certificate in writing describing the lands purchased, and the time when the purchaser will be entitled to a deed for the same, and in case a less amount than the whole of any such description should be sold, the part so sold shall be taken from the north side or end thereof, and shall be bounded on the south by a line running parallel with the northerly line thereof: *Provided*, That if any parcel of land cannot be sold to any person for the taxes and charges, the recorder shall bid the same off to the common council of said city, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the

Sale of property for taxes.

Notice of sale.

Certificate of sale.

Proviso.

same had been given to any other purchaser thereof. Upon the completion of said sale, the said recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax and amount for which the same were sold, and the names of the purchasers, which shall be transcribed in a book to be provided for and kept by said treasurer, and said recorder shall also pay to said treasurer at the same time, all the moneys received upon said sales.

Redemption Sec. 37. Any person claiming any of the lands sold as aforesaid, or any interest therein, may, at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying to the treasurer of said city the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent. per annum, fifteen per cent. of which shall be paid to the purchaser, but in no case shall the interest be computed for a less time than three months from the day of sale, whereupon the treasurer shall issue to and deliver to the person making such payment a certificate of the redemption thereof, and he shall at the expiration of the year after the making of said sales, deliver to the recorder of said city, a statement of all the lands that have been redeemed as aforesaid, and the amounts paid for such redemption.

Deed. Sec. 38. Upon the presentation of any such certificate of sale to the recorder after the expiration of the time for the redemption of the lands sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon, and the same conveyance shall be prima facie evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the same by the supervisors, to the date of the deed inclusive, and every such conveyance duly made and acknowledged, may be given in evidence in all the courts of this State, in the same manner, and with the like effect of any other conveyance of real estate, or any interest therein, and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned for non-payment by mistake or otherwise

Deed, prima facie evidence.

improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the land therein described has been conveyed as aforesaid, and thereupon the recorder shall draw an order upon the treasurer, countersigned by the mayor, for the amount of the purchase money, and no deed shall be given upon such certificate of sale.

Cancelment
of certificate

Sec. 39. The said common council shall also have authority and power to levy and assess taxes upon the real and personal property within the limits of said city, to the extent that it shall be deemed necessary by the common council, not to exceed one-half of one per cent. on the valuation, for the purpose of being expended upon the streets, lanes and alleys, and public grounds of the city, in opening, working upon, repairing and grading such streets, lanes, alleys and public grounds; and in levying and assessing the same, the said common council may vary the ratio of taxes to be raised for that purpose in the respective wards of said city, and the manner of levying and collecting such taxes, and the return of property for non-payment of taxes, and the sales and redemption of the same shall be the same, as near as may be, as other city taxes are to be assessed and collected, and it shall be the duty of the common council to expend the money so raised for the purpose aforesaid, in the respective wards of said city, according to the amount raised in each and every of said wards, and the same shall be expended by contract or otherwise under the supervision of the marshal, acting as street commissioner, or one or more of the deputy street commissioners that may be appointed by the common council of said city.

Common
council may
levy taxes to
improve
streets, &c.

Sec. 40. The common council of said city is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon the township boards of the several townships of this State in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections, except as is otherwise provided by this act: The mayor and recorder shall select and return lists of grand and petit jurors in the same manner and within the same time that the same duty is required of township officers in this State, and the supervisors, justice of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same

Common
council to
have same
powers as
township
boards in
reference to
schools.
County and
State taxes.
Poor.
Elections.

Lists of
jurors.

Oaths of
office.

Compensa-
tion.

Fees. revised statutes and the amendments thereof; and also in cases (of) *habeas corpus* and *certiorari*, to inquire into causes of detention by chapter one hundred and thirty-four of said revised statutes, and in the exercise of such jurisdictions shall be entitled to demand and receive the same fees for the services so rendered, as are now or may hereafter be allowed to circuit court commissioners for like services; the recorder shall be entitled to a seat within the common council for the purposes of deliberation and of acting on committees, but shall have no vote therein except when performing the duties of mayor according to the provisions of this act.

Entitled to seat in council. **Oaths of office of justices of the peace.** **Jurisdiction** Sec. 15. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Kent, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships.

Duties of justices. Sec. 16. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services when engaged in cases for violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

Fines, **penalties & forfeitures to be paid into city treasury.** **Report of justices.** Sec. 17. All fines, penalties, or forfeitures, recovered before any of said justices, shall, when collected, be paid into the city treasury, and each of said justices shall report on oath to the common council, at the first regular meeting thereof, in each month during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for or on account thereof; which moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into the said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office; and for any neglect in this particular, he may be suspended or removed, as hereinafter provided.

Removal of justices for misconduct. Sec. 18. Any justice of the peace of said city may be suspended or removed from his said office by the circuit court for the county of Kent, for neglect or refusal to pay over, as required by law, any moneys by

specify the object and purpose of such payment, and shall be signed by the recorder, and countersigned by the mayor of said city.

Sec. 45. All the personal and real estate, rights, credits, and effects whatsoever, and all and every right or interest therein, belonging to the village of Jackson, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created by this act, saving, nevertheless, to all and every person his or their just rights therein, and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created, every person who is or shall be possessed thereof shall deliver the same to the mayor, recorder and aldermen of the city of Jackson, with all moneys, deeds, evidences of debt, property, books and papers touching or concerning the same, when legally required thereto; and the said city may sue in its corporate name to recover any demand or debt due or to grow due to said village, and the corporation hereby created shall be liable for and pay all just debts due from, or claims or demands against, the village of Jackson or the common council thereof, and all contracts made or agreements entered into by the corporate authorities of the village of Jackson shall be and the same are hereby made binding and obligatory upon the corporation hereby created.

City to succeed to rights and liabilities of village.

Sec. 46. That all that part of the township of Jackson lying in town two south of range one west, and not included in the limits of the city of Jackson, be and the same is hereby set off from the residue of said township, and organized into a separate township by the name of Blackman; and the first election of township officers shall be held at the house now occupied by George Woodworth, in said township.

Blackman set off.

Sec. 47. That all that part of the township of Jackson lying in town three south, of range one west, and not included in the city of Jackson, be and the same is hereby set off from the residue of said township, and organized into a township by the name of Summit, and the first election of township officers shall be held at the school house near the residence of Curtis Whelock in said township.

Summit set off.

Sec. 48. The act of the Legislature of the State of Michigan, entitled an act to incorporate the village of Jackson, approved March seventh, eighteen hundred and forty-three, and all acts and parts of acts amending or altering said acts, are hereby repealed: *Provided, however,* That the repealing of said laws shall not affect any act already done, right

Repeal.

Proviso.

accruing or acquired, or proceeding had or commenced, or tax sale made by virtue thereof, or by virtue of any by-laws or ordinances of the common council of said village passed in conformity therewith, but the same shall remain as valid and may be proceeded in as if the said laws hereby repealed and every of them had remained in full force.

This act a
public act.

Sec. 49. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever.

Sec 50. The Legislature may at any time, alter, amend or repeal this act.

This act is ordered to take immediate effect.

Approved February 14, 1857.

[No. 113.]

AN ACT to amend an act entitled an act to organize the county of Alpena, and to locate the county seat thereof.

This act to
stand in lieu
of Sec. 4.

Board of
canvassers
appointed.

Duties of
board.

Compensa-
tion.

Repeal.

SECTION 1. *The People of the State of Michigan enact, That* this act shall stand in lieu of section (4) four of said act, and that Daniel Casten, Harvey Harwood, and D. D. Oliver, are hereby made and constituted a board of canvassers, who shall act as inspectors of election; and said inspectors shall meet at said village of Fremont on the first Tuesday after the election, and appoint one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in other cases of election for county and State officers, and shall have power to act as a board of supervisors in and for said county, for the organization of townships therein, and for other purposes, and shall hold their offices until there be three organized townships in said county, and until other supervisors are elected and qualified: *And provided, That from any cause a vacancy occurs in said board before any township is organized, the two remaining members of the board shall appoint; but if there be one or more townships organized, and supervisors elected, the vacancy shall be filled by said supervisor or supervisors. The compensation of said board shall be the same as that received by supervisors elected according to law. All acts, and parts of acts, contravening the provisions of this act, be and the same are hereby repealed.*

This act is ordered to take immediate effect.

Approved February 14, 1857.

[No. 114.]

AN ACT making appropriation in aid of the Michigan Asylum for the Insane.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-five thousand dollars for the year eighteen hundred and fifty-seven, and the sum of twenty-five thousand dollars for the year eighteen hundred and fifty-eight, be and the same is hereby appropriated out of the general fund, and the same shall be passed to the credit of the asylum fund for the insane, on the books of the State Treasurer, for the respective years above mentioned, and shall be drawn upon warrants made by the clerk of the board of trustees of said asylum, and approved by the president and countersigned by the Auditor General, and applied as hereinafter provided.

Appropriation for 1857 and 1858.

Sec. 2. The above named sums for the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, may be drawn and used by the trustees of said asylum for the insane, in completing that part of the asylum already commenced.

For what purpose sums may be drawn.

Sec. 3. The board of trustees for the asylum for the insane, shall appoint one of their number as acting commissioner, who shall under the direction of the said board of trustees, have the superintendence of the erection and completion of said buildings, and for such services he shall receive a salary of eight hundred dollars per annum, and the other members of said board shall receive two dollars for each day actually employed on necessary business of said board, which shall be in full for all services as such commissioner, except their necessary traveling expenses. Such salaries to be paid quarterly, in the same manner and out of the same fund as other State officers are paid, and that there be, and the same is hereby appropriated annually, out of any money in the treasury, to the credit of the general fund not otherwise appropriated, such sums as shall be necessary for the payment of the said salaries.

Acting commissioner to be appointed.

Duties of commissioner.

Salary.

Compensation of trustees.

Sec. 4. The board of trustees of said asylum shall deposit with the Auditor General, as far as practicable, all contracts entered into for material, and for work and labor performed, and shall as often as once in three months audit all the accounts of the building commissioner, and shall certify that a statement made out by such building commissioner is correct; and shall file the same, together with all vouchers for money expended, with the Auditor General; they shall also present with their

Board of trustees to deposit contracts with Auditor General.

To audit accounts and file vouchers.

Contents of report to Legislature. report to the Legislature, full and particular statements of the amounts drawn and the uses to which the same have been applied; but upon all contracts twenty per cent. upon the estimates shall be retained until the same are completed to the satisfaction of the board.

Auditor General to apportion certain sum for each year. Sec. 5. The Auditor General shall in the year eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, at the same time that other State taxes are apportioned by him among the several counties, apportion among the several counties, in proportion to the valuation as equalized by the State board of equalization, the sum of fifteen thousand dollars for the year eighteen hundred and fifty-seven, and the sum of fifteen thousand dollars for the year eighteen hundred and fifty-eight, which several amounts when apportioned shall be collected and returned as other State taxes are required to be by law.

Approved February 14, 1857.

[No. 115.]

AN ACT to authorize the district board of fractional union school district number one, Owosso and Caledonia, to loan money.

District board authorized to borrow money. SECTION 1. *The People of the State of Michigan enact*, That the district board of fractional union school district number one, Owosso and Caledonia, are hereby authorized to borrow, on the credit of said district, a sum of money not exceeding twenty thousand dollars, for the purpose of purchasing a site and building and furnishing a school house. And the money so borrowed shall not be applied to any other purpose or use than above specified: *Provided*, That two-thirds of the qualified voters of said district shall, at any special meeting called for that purpose, sanction the above mentioned loan.

Board may issue bonds of district. Sec. 2. Said district board is hereby authorized to issue the bonds of said district, in such form, and executed in such manner by the moderator and director of said district, and in sums of not less than fifty dollars, payable at such time and at a rate of interest not exceeding ten per cent per annum, as such district board may direct.

Money to be paid into township treasury. How drawn Sec. 3. Whenever said district board shall have obtained any portion of said sum of money for the purpose above specified, the same shall be paid into the treasury of the township of Owosso, to be drawn by said board for the purpose above specified, in the same manner and un-

der the same restrictions as is provided in an act entitled an act for the relief of school districts, approved February 7th, 1855.

Sec. 4. This act shall take immediate effect.

Approved February 14, 1857.

[No. 116.]

AN ACT to amend an act entitled an act to incorporate the city of Adrian, approved January thirty-first, eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled an act to incorporate the city of Adrian, approved January thirty-first, eighteen hundred and fifty-three, be amended as follows: amend section ten so that said section shall read as follows:

“Sec. 10. It shall be the duty of the mayor to appoint such number of persons as may be necessary a special police, who shall take the constitutional oath of office, and shall act under the instructions of the marshal of said city; he shall also see that the laws and ordinances of said city are faithfully executed, preside at all meetings of the common council, and in his absence the common council may appoint any one of their number for the time being to preside at such meeting; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.”

Mayor to appoint special police.
Oath of office.
Duties of mayor.

Recorder to be clerk of common council.

Sec. 2. That section eight of said act be so amended as to read as follows:

“Sec. 8. In case of a vacancy in either of the city offices, the common council may order a special election, for the purpose of electing some person to fill such vacancy; in case of the offices of a ward, the common council may order a special election in such ward to fill such vacancy; which election shall be conducted in all respects in the same manner as annual elections for city or ward officers. The common council shall designate the time and place of holding such special election, notices of which shall be posted up in three places in each ward where an election shall be held, or published in one or more of the newspapers published in said city, at least five days prior to such election; which notices shall relate [state] what offices are to be

Vacancies; how filled.

Vacancies in ward offices; how filled.

filled; and any person so elected shall serve for the remainder of the term of such office."

Sec. 3. That section fifteen of said act shall be amended so as to read as follows:

Powers of
common
council in
relation to
reservoirs,
bridges,
sewers,
streets, side-
walks.

"Sec. 15. The common council shall have power and authority to construct reservoirs, and to provide for supplying the same with water, and cause bridges to be built or repaired; they shall also have power and authority to construct sewers, to cause streets to be paved or planked, side-walks to be constructed or repaired, when and where they shall deem necessary and proper, and cause the expense thereof to be assessed on lots or premises adjoining or adjacent to such sewers, streets and side-walks, or by general assessment, as they may direct; to fix and establish the grades of all such streets and side-walks, and also to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to establish fire limits in said city, and prescribe the manner of constructing buildings, and the materials of which they shall be constructed within said limits."

Grades of
streets, &c.

Fire limits.

Construc-
tion of
buildings.

Sec. 4. That section twenty-seven of said act as amended, shall be so amended as to read as follows:

Powers and
duties of the
marshal and
constables
in making
arrests.

"Sec. 27. The marshal and constables of said city shall have power and authority, and it shall be their duty, with or without process, to apprehend any person found disturbing the peace or offending against any of the by-laws or ordinances of said city, and forthwith take any such person before any justice of the peace of said city, to be dealt with as the by-laws and ordinances of such city or the statutes shall provide, and may apprehend and imprison any person found drunk in the streets, until such person shall become sober, and shall be authorized to command the assistance in the discharge of such duties of any of the citizens, if deemed by them necessary. The marshal may, with the approval of the common council, appoint a deputy, and revoke such appointment at his pleasure, which appointment and revocation shall be in writing under his hand, and filed in the office of the recorder; and such deputy may perform all the duties of the marshal. The marshal and his sureties shall be responsible for the cost [acts] of his deputy, and in case of the death, resignation or removal of the marshal, or in case of a vacancy by other means in the said office of marshal, the deputy shall perform all the duties of such marshal until such vacancy shall be supplied."

Marshal
may appoint
deputy.

Sec. 5. That on the third Monday of March, in the year one thousand eight hundred and fifty-seven, the mayor and recorder of the city of Adrian, or in the absence of either, then the mayor or recorder and any one of the aldermen of said city, shall meet and classify the present justices of the peace of said city, and the said officers when met shall perform the same duties as are provided to be performed by the supervisor and township clerk in classifying justices of the peace in new townships; and said justices shall be classified in the same manner as provided by sections fifty, fifty-one, fifty-two and fifty-three, of chapter sixteen of the revised statutes of this State, and the justices shall hold their offices respectively for one, two, three and four years from the fourth day of July, one thousand, eight hundred and fifty-six, according to the number drawn by each, and until their successors are elected and qualified.

Sec. 6. This act shall take immediate effect.

Approved February 14, 1857.

[No. 117.]

AN ACT to change the name of Horace Chambers to Horace Welling.

SECTION 1. *The People of the State of Michigan enact*, That the name of Horace Chambers be and the same is hereby changed to Horace Welling.

Approved February 14, 1857.

[No. 118.]

AN ACT to provide for the construction of a State road from Saginaw city to Grand Traverse bay.

SECTION 1. *The People of the State of Michigan enact*, That Al-pha R. Chaffee, of Saginaw county, and Daniel Bowman, of Midland county, be and are hereby authorized and appointed commissioners to lay out and establish a State road from Saginaw city, in Saginaw county, from thence on the most eligible route to Midland city, and from thence on the most eligible route to Grand Traverse, in the county of Grand Traverse.

Liabilities. manner, and be subject to the same liabilities, as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

Compensation of certain officers. Sec. 41. The recorder, marshal, deputy street commissioner, and all other officers of said city, shall receive such compensation for their services as the common council may deem right and proper, unless the same is fixed by the provisions of this act, but the mayor and aldermen shall receive no compensation for their services.

Council to publish account annually. Sec. 42. The common council shall, at least once in each and every year, cause to be published a just and true account of all the moneys received or expended by them in their corporate capacity, during the year or other period next preceding such publication, and also the disposition thereof, previous to which they shall audit and settle the accounts of the city treasurer, and the accounts of all other officers or persons having claims against the city or accounts with it, and shall make out in detail a statement of all receipts and expenditures, and which statement shall fully specify all the appropriations made by the common council, and the object and purpose for which the same were made, and the amount of money expended under such appropriation, the amount of taxes raised, the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city.

Village officers to discharge duties of city officers. Sec. 43. The president, recorder and trustees of the village of Jackson, shall be the common council, and shall respectively discharge all the duties of the mayor, recorder and aldermen of the city of Jackson, and all the other officers of said village shall be such officers of the city of Jackson, until others are elected and qualified in their stead, and all the by-laws, ordinances and other regulations of the common council of said village, now in force, not inconsistent with this act, or the provisions of the statutes of this State, shall be and remain in force until altered or repealed by the common council of the said city of Jackson, and all the town officers of the township of Jackson, residing within said city, may continue to discharge all the duties of such officers for said township until after the first Monday of April next.

Money not to be drawn from treasury unless appropriated. Sec. 44. No moneys shall be drawn from the treasury unless it shall have been previously appropriated to that especial purpose; and any order or warrant directing or requiring the payment of the same shall

specify the object and purpose of such payment, and shall be signed by the recorder, and countersigned by the mayor of said city.

Sec. 45. All the personal and real estate, rights, credits, and effects whatsoever, and all and every right or interest therein, belonging to the village of Jackson, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created by this act, saving, nevertheless, to all and every person his or their just rights therein, and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created, every person who is or shall be possessed thereof shall deliver the same to the mayor, recorder and aldermen of the city of Jackson, with all moneys, deeds, evidences of debt, property, books and papers touching or concerning the same, when legally required thereto; and the said city may sue in its corporate name to recover any demand or debt due or to grow due to said village, and the corporation hereby created shall be liable for and pay all just debts due from, or claims or demands against, the village of Jackson or the common council thereof, and all contracts made or agreements entered into by the corporate authorities of the village of Jackson shall be and the same are hereby made binding and obligatory upon the corporation hereby created.

City to succeed to rights and liabilities of village.

Sec. 46. That all that part of the township of Jackson lying in town two south of range one west, and not included in the limits of the city of Jackson, be and the same is hereby set off from the residue of said township, and organized into a separate township by the name of Blackman; and the first election of township officers shall be held at the house now occupied by George Woodworth, in said township.

Blackman set off.

Sec. 47. That all that part of the township of Jackson lying in town three south, of range one west, and not included in the city of Jackson, be and the same is hereby set off from the residue of said township, and organized into a township by the name of Summit, and the first election of township officers shall be held at the school house near the residence of Curtis Whelock in said township.

Summit set off.

Sec. 48. The act of the Legislature of the State of Michigan, entitled an act to incorporate the village of Jackson, approved March seventh, eighteen hundred and forty-three, and all acts and parts of acts amending or altering said acts, are hereby repealed: *Provided, however,* That the repealing of said laws shall not affect any act already done, right

Repeal.

Proviso.

accruing or acquired, or proceeding had or commenced, or tax sale made by virtue thereof, or by virtue of any by-laws or ordinances of the common council of said village passed in conformity therewith, but the same shall remain as valid and may be proceeded in as if the said laws hereby repealed and every of them had remained in full force.

This act a
public act.

Sec. 49. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever.

Sec 50. The Legislature may at any time, alter, amend or repeal this act.

This act is ordered to take immediate effect.

Approved February 14, 1857.

[No. 113.]

AN ACT to amend an act entitled an act to organize the county of Alpena, and to locate the county seat thereof.

This act to
stand in lieu
of Sec. 4.

Board of
canvassers
appointed.

Duties of
board.

Compensa-
tion.

Repeal.

SECTION 1. *The People of the State of Michigan enact, That* this act shall stand in lieu of section (4) four of said act, and that Daniel Casten, Harvey Harwood, and D. D. Oliver, are hereby made and constituted a board of canvassers, who shall act as inspectors of election; and said inspectors shall meet at said village of Fremont on the first Tuesday after the election, and appoint one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in other cases of election for county and State officers, and shall have power to act as a board of supervisors in and for said county, for the organization of townships therein, and for other purposes, and shall hold their offices until there be three organized townships in said county, and until other supervisors are elected and qualified: *And provided, That from any cause a vacancy occurs in said board before any township is organized, the two remaining members of the board shall appoint; but if there be one or more townships organized, and supervisors elected, the vacancy shall be filled by said supervisor or supervisors. The compensation of said board shall be the same as that received by supervisors elected according to law. All acts, and parts of acts, contravening the provisions of this act, be and the same are hereby repealed.*

This act is ordered to take immediate effect.

Approved February 14, 1857.

[No. 114.]

AN ACT making appropriation in aid of the Michigan Asylum for the Insane.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-five thousand dollars for the year eighteen hundred and fifty-seven, and the sum of twenty-five thousand dollars for the year eighteen hundred and fifty-eight, be and the same is hereby appropriated out of the general fund, and the same shall be passed to the credit of the asylum fund for the insane, on the books of the State Treasurer, for the respective years above mentioned, and shall be drawn upon warrants made by the clerk of the board of trustees of said asylum, and approved by the president and countersigned by the Auditor General, and applied as hereinafter provided.

Sec. 2. The above named sums for the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, may be drawn and used by the trustees of said asylum for the insane, in completing that part of the asylum already commenced.

Sec. 3. The board of trustees for the asylum for the insane, shall appoint one of their number as acting commissioner, who shall under the direction of the said board of trustees, have the superintendence of the erection and completion of said buildings, and for such services he shall receive a salary of eight hundred dollars per annum, and the other members of said board shall receive two dollars for each day actually employed on necessary business of said board, which shall be in full for all services as such commissioner, except their necessary traveling expenses. Such salaries to be paid quarterly, in the same manner and out of the same fund as other State officers are paid, and that there be, and the same is hereby appropriated annually, out of any money in the treasury, to the credit of the general fund not otherwise appropriated, such sums as shall be necessary for the payment of the said salaries.

Sec. 4. The board of trustees of said asylum shall deposit with the Auditor General, as far as practicable, all contracts entered into for material, and for work and labor performed, and shall as often as once in three months audit all the accounts of the building commissioner, and shall certify that a statement made out by such building commissioner is correct; and shall file the same, together with all vouchers for money expended, with the Auditor General; they shall also present with their

Appropriation for 1857 and 1858.

For what purpose sums may be drawn.

Acting commissioner to be appointed.

Duties of commissioner.

Salary.

Compensation of trustees.

Board of trustees to deposit contracts with Auditor General.

To audit accounts and file vouchers.

Contents of report to Legislature. report to the Legislature, full and particular statements of the amounts drawn and the uses to which the same have been applied; but upon all contracts twenty per cent. upon the estimates shall be retained until the same are completed to the satisfaction of the board.

Auditor General to apportion certain sum for each year. Sec. 5. The Auditor General shall in the year eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, at the same time that other State taxes are apportioned by him among the several counties, apportion among the several counties, in proportion to the valuation as equalized by the State board of equalization, the sum of fifteen thousand dollars for the year eighteen hundred and fifty-seven, and the sum of fifteen thousand dollars for the year eighteen hundred and fifty-eight, which several amounts when apportioned shall be collected and returned as other State taxes are required to be by law.

Approved February 14, 1857.

[No. 115.]

AN ACT to authorize the district board of fractional union school district number one, Owosso and Caledonia, to loan money.

District board authorized to borrow money. SECTION 1. *The People of the State of Michigan enact*, That the district board of fractional union school district number one, Owosso and Caledonia, are hereby authorized to borrow, on the credit of said district, a sum of money not exceeding twenty thousand dollars, for the purpose of purchasing a site and building and furnishing a school house. And the money so borrowed shall not be applied to any other purpose or use than above specified: *Provided*, That two-thirds of the qualified voters of said district shall, at any special meeting called for that purpose, sanction the above mentioned loan.

Board may issue bonds of district. Sec. 2. Said district board is hereby authorized to issue the bonds of said district, in such form, and executed in such manner by the moderator and director of said district, and in sums of not less than fifty dollars, payable at such time and at a rate of interest not exceeding ten per cent per annum, as such district board may direct.

Money to be paid into township treasury. How drawn Sec. 3. Whenever said district board shall have obtained any portion of said sum of money for the purpose above specified, the same shall be paid into the treasury of the township of Owosso, to be drawn by said board for the purpose above specified, in the same manner and un-

der the same restrictions as is provided in an act entitled an act for the relief of school districts, approved February 7th, 1855.

Sec. 4. This act shall take immediate effect.

Approved February 14, 1857.

[No. 116.]

AN ACT to amend an act entitled an act to incorporate the city of Adrian, approved January thirty-first, eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled an act to incorporate the city of Adrian, approved January thirty-first, eighteen hundred and fifty-three, be amended as follows: amend section ten so that said section shall read as follows:

“Sec. 10. It shall be the duty of the mayor to appoint such number of persons as may be necessary a special police, who shall take the constitutional oath of office, and shall act under the instructions of the marshal of said city; he shall also see that the laws and ordinances of said city are faithfully executed, preside at all meetings of the common council, and in his absence the common council may appoint any one of their number for the time being to preside at such meeting; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.”

Mayor to
appoint
special
police.

Oath of offi-
ce.

Duties of
mayor.

Recorder to
be clerk of
common
council.

Sec. 2. That section eight of said act be so amended as to read as follows:

“Sec. 8. In case of a vacancy in either of the city offices, the common council may order a special election, for the purpose of electing some person to fill such vacancy; in case of the offices of a ward, the common council may order a special election in such ward to fill such vacancy; which election shall be conducted in all respects in the same manner as annual elections for city or ward officers. The common council shall designate the time and place of holding such special election, notices of which shall be posted up in three places in each ward where an election shall be held, or published in one or more of the newspapers published in said city, at least five days prior to such election; which notices shall relate [state] what offices are to be

Vacancies;
how filled.

Vacancies in
ward offices;
how filled.

filled; and any person so elected shall serve for the remainder of the term of such office."

Sec. 3. That section fifteen of said act shall be amended so as to read as follows:

Powers of common council in relation to reservoirs, bridges, sewers, streets, side-walks.

"Sec. 15. The common council shall have power and authority to construct reservoirs, and to provide for supplying the same with water, and cause bridges to be built or repaired; they shall also have power and authority to construct sewers, to cause streets to be paved or planked, side-walks to be constructed or repaired, when and where they shall deem necessary and proper, and cause the expense thereof to be assessed on lots or premises adjoining or adjacent to such sewers, streets and side-walks, or by general assessment, as they may direct; to fix and establish the grades of all such streets and side-walks, and also to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to establish fire limits in said city, and prescribe the manner of constructing buildings, and the materials of which they shall be constructed within said limits."

Grades of streets, &c.

Fire limits.

Construction of buildings.

Sec. 4. That section twenty-seven of said act as amended, shall be so amended as to read as follows:

Powers and duties of the marshal and constables in making arrests.

"Sec. 27. The marshal and constables of said city shall have power and authority, and it shall be their duty, with or without process, to apprehend any person found disturbing the peace or offending against any of the by-laws or ordinances of said city, and forthwith take any such person before any justice of the peace of said city, to be dealt with as the by-laws and ordinances of such city or the statutes shall provide, and may apprehend and imprison any person found drunk in the streets, until such person shall become sober, and shall be authorized to command the assistance in the discharge of such duties of any of the citizens, if deemed by them necessary. The marshal may, with the approval of the common council, appoint a deputy, and revoke such appointment at his pleasure, which appointment and revocation shall be in writing under his hand, and filed in the office of the recorder; and such deputy may perform all the duties of the marshal. The marshal and his sureties shall be responsible for the cost [acts] of his deputy, and in case of the death, resignation or removal of the marshal, or in case of a vacancy by other means in the said office of marshal, the deputy shall perform all the duties of such marshal until such vacancy shall be supplied."

Marshal may appoint deputy.

Sec. 5. That on the third Monday of March, in the year one thousand eight hundred and fifty-seven, the mayor and recorder of the city of Adrian, or in the absence of either, then the mayor or recorder and any one of the aldermen of said city, shall meet and classify the present justices of the peace of said city, and the said officers when met shall perform the same duties as are provided to be performed by the supervisor and township clerk in classifying justices of the peace in new townships; and said justices shall be classified in the same manner as provided by sections fifty, fifty-one, fifty-two and fifty-three, of chapter sixteen of the revised statutes of this State, and the justices shall hold their offices respectively for one, two, three and four years from the fourth day of July, one thousand, eight hundred and fifty-six, according to the number drawn by each, and until their successors are elected and qualified.

Sec. 6. This act shall take immediate effect.

Approved February 14, 1857.

[No. 117.]

AN ACT to change the name of Horace Chambers to Horace Welling.

SECTION 1. *The People of the State of Michigan enact*, That the name of Horace Chambers be and the same is hereby changed to Horace Welling.

Approved February 14, 1857.

[No. 118.]

AN ACT to provide for the construction of a State road from Saginaw city to Grand Traverse bay.

SECTION 1. *The People of the State of Michigan enact*, That Al-pha R. Chaffee, of Saginaw county, and Daniel Bowman, of Midland county, be and are hereby authorized and appointed commissioners to lay out and establish a State road from Saginaw city, in Saginaw county, from thence on the most eligible route to Midland city, and from thence on the most eligible route to Grand Traverse, in the county of Grand Traverse.

Survey to be
filed.

Sec. 2. The above named commissioners shall file so much of the survey of the above named road in the office of the county clerk of each organized county through which said road shall pass, as shall be laid out in such county; and it shall be the duty of the several county clerks to record the same in their respective offices.

Duties of
commis-
sioners of
highways to
open road.

Sec. 3. It shall be the duty of the commissioners of highways in any organized township through which said road may pass, to open and work the same in the manner and by virtue of the same law, as township roads are required to be opened and worked.

Certain
highway
taxes appro-
priated.

Sec. 4. That the non-resident highway tax in the respective townships through which said road shall pass that shall be assessed upon the same, be and the same are hereby appropriated for the construction and improvement of such road, for the period of six years from and after the time that this act shall take effect, and be expended on said road.

Overseers to
pay over
moneys.

Sec. 5. Any overseer of highways within such township, or any township treasurer thereof having received any portion of such non-resident tax, or any of the commutation money, shall on demand of the special commissioners before named in this act, to pay over to them any sum so received, and the receipt of such commissioners shall release such overseer of highways or treasurer from any further liabilities therefor.

When road
to be laid
out

Sec. 6. It shall be the duty of said commissioners on or before the first day of August, A. D. eighteen hundred and fifty-seven, to assemble and proceed to lay out and establish said road as is provided in section two of this act.

Right of
way thro'
State lands
granted.

Sec. 7. The right of way for any such road through any lands belonging to the State, be and is hereby granted and confirmed to the townships in which such lands shall lie.

Compensa-
tion of com-
missioners.

Proviso.

Sec. 8. The said commissioners shall be allowed and paid each the sum of two dollars and fifty cents per day for their services, and the same to be paid by the respective townships: *Provided*, No township shall pay to said commissioners for any services or time rendered or expended in said township.

State not
liable for
expenses.

Limitation.

Sec. 9. The State shall not be liable for any expenses incurred or damages sustained by reason of this act; and in case the road mentioned in this act shall not be laid out and established within five years from the passage of this act, the provisions therein contained shall be void.

Approved February 14, 1857.

[No. 119.]

AN ACT to amend an act entitled an act to provide for the collection of tolls, and for the care, charge and operating of the St. Mary's Falls Ship Canal.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number ninety-one of the session laws of eighteen hundred and fifty five be amended so that said section shall read as follows:

Sec. 2. Said superintendent shall have the charge, care and operating of the said canal, and shall be authorized to employ such assistants as shall be necessary for operating and keeping the same in repair, and shall keep a correct account of all moneys paid for such repairs or to such assistants, and shall be empowered to remove all obstructions to such canal, under such rules and regulations as shall be prescribed by said board of control; and it shall be the duty of said superintendent, on the last day of each month as aforesaid, to transmit to said board a statement of the condition and business of the said canal, of all repairs made for the current month, and of such future repairs and expenditures as he may deem necessary for the usefulness of said canal, and shall make all such repairs or alterations as shall be directed by said board of control; and it shall be the duty of said superintendent to require and obtain from the master or owner of any steamboat, propeller, or vessel, navigating said canal, a statement of their several bills of lading or cargo, and also the number of passengers; it shall also be the duty of said superintendent to make an annual report to the Governor of this State, on or before the last Monday of December in each year.

Superintendent to have charge of canal.

Monthly statement of superintendent.

Annual report.

Approved February 14, 1857.

[No. 120.]

AN ACT to amend an act to provide for the discharge of the duties heretofore performed by injunction masters, approved June 27, 1851.

SECTION 1. *The People of the State of Michigan enact*, That the word "may" in the third line of section three, be and hereby is stricken out and the word "shall" inserted in its place, so that section three shall read as follows:

"Sec. 3. Each judge shall have the power to change such designation of a circuit court commissioner for the purposes aforesaid, and to

Judge may change designation.

of injunc-
tion master
and make
new designa-
tions.

designate another in his stead, and shall make a new designation whenever the term of office of any commissioner may expire, or the office become vacant, which designation shall be published as aforesaid.

Approved February 14, 1857.

[No. 121.]

AN ACT to set off from fractional school district number one in Springfield, and number five in White Lake, the east half of the south-west quarter of section four, town three north, of range eight east, and attach the same to school district number (2) two in White Lake.

SECTION 1. *The People of the State of Michigan enact*, That the east half of the south-west quarter of section four, town three north, of range eight east, in the township of White Lake, Oakland county, shall be and is hereby set off and detached from fractional school district number one in Springfield, and number five in White Lake, and attached to school district number two in the township of White Lake, Oakland county.

This act is ordered to take immediate effect.

Approved February 14, 1857.

[No. 122.]

AN ACT to revise the charter of the city of Grand Rapids.

TITLE I.

INCORPORATION—CITY AND WARD BOUNDARIES.

Body
corporate.

SECTION 1. *The People of the State of Michigan enact*, That the corporation heretofore created and now known as "The mayor, recorder, aldermen and freemen of the city of Grand Rapids," shall be and continue to be a corporation by the name of "The city of Grand Rapids," and by that name may sue and be sued, implead and be impleaded, complain and defend, in any court of record, and any other place whatsoever; may have a common seal, and alter it at pleasure; and may take, hold, purchase, lease, convey and dispose of, any real, personal, or mixed estate, for the use of said corporation.

Sec. 2. The district of country in the county of Kent and State of ^{Name .} Michigan, hereinafter particularly described, is hereby constituted and declared to be a city by the name of Grand Rapids, and subject to the municipal government of said corporation, said district of country being bounded as follows, viz.: commencing at the south-east corner of the ^{Boundaries.} north-west quarter of section seventeen, in township seven north of range eleven west; running south to the south-east corner of the south-west quarter of section thirty-two of said township; thence west on the south line of said township to the south-west corner of the same; thence extended on the south line of township seven north of range twelve west to the middle of Grand River on section thirty-four in said last named township; thence north-eastwardly along the middle of Grand River to the point which intersects the north and south quarter line of section thirty-five in said township seven north of range twelve west; thence north to the north-west corner of the south-east quarter of section fourteen in said last named township, and thence east to the place of beginning.

Sec. 3. So much of the townships of Grand Rapids and Walker as are embraced within the aforesaid boundaries are hereby set off from said towns, and are re-organized into the said city of Grand Rapids.

Sec. 4. The said city shall be divided into five wards, as follows: ^{Division into wards.} First, all that part of the city lying south of Lyon street and west of the ^{First ward.} continuous line of Division street, and east of the middle of Grand River, shall constitute the first ward; Second, all that part of the said ^{Second ward} city lying north of the continuous line of Lyon street, and east of the middle of Grand River, shall constitute the second ward; Third, all that ^{Third ward} part of the said city lying south of the continuous line of Lyon street, and east of Division street, shall constitute the third ward; Fourth, all ^{Fourth ward.} that part of the said city lying west of the middle of Grand River, and north of Bridge street, shall constitute the fourth ward; Fifth, all that ^{Fifth ward.} part of said city lying west of the middle of Grand River, and south of Bridge street, shall constitute the fifth ward.

Sec. 5. Whenever a street is mentioned in the last section as the ^{Middle of street,} boundary of any ward of said city, the middle of such street shall be ^{boundary.} deemed to be such boundary.

TITLE II.

ELECTION AND APPOINTMENT OF OFFICERS.

Officers.

Sec. 1. The officers of said city shall be one mayor, one recorder, one treasurer, one comptroller, one clerk, one marshal, one justice of the peace in each ward of said city, one constable in each ward of said city, two aldermen in each ward of said city, one of whom in each ward shall be the supervisor of each (such) ward, as is hereinafter provided and designated, two school inspectors, two directors of the poor, who shall be elected at the annual city election by the qualified electors of the whole city, or of the wards thereof respectively, by ballot as hereinafter provided; also one chief of police, police constables not to exceed one for each ward, one city surveyor, watchmen not to exceed one for each ward, of whom one shall be designated as captain of the watch, one health physician, and so many fire wardens, common criers, keepers of alms house, work house, and penitentiary, pound masters, inspectors of fire wood, weigh masters and auctioneers, as the common council shall from time to time direct, all to be appointed as hereinafter provided.

Eligibility to office.

Sec. 2. No person shall be eligible to either of said offices, unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district, unless he shall then be an elector and resident of such ward or district, and when any officer elected or appointed for any ward or district, shall cease to reside in said city, or if elected or appointed for any ward or district shall cease to reside in such ward or district, his office shall thereby become vacant.

Annual election.**Notice of election.**

Sec. 3. An election shall be held in each ward annually on the first Monday in April, at such place as the common council shall appoint by a notice published at least six days previous to the election, in at least two daily newspapers printed in said city, or by posting printed notices of the holding of said election in at least three of the most public places in each ward, at least six days previous to said election.

What officers to be elected at first election.

Sec. 4. At the first annual election to be held in said city after the passage of this act, there shall be elected two aldermen in each ward, one for the term of one year, who shall enter upon the duties of his office immediately upon his qualification, in the year eighteen hundred and fifty-seven, and another for the term of two years, and the term for which the person voted for is intended, shall be designated on the bal-

lot, and at each annual election thereafter to be held, one alderman shall Aldermen. be elected in each ward, who shall hold his office for the term of two years; there shall be elected annually in each ward by the electors thereof, one constable, to hold his office for one year; at the first annual Constable. election after the passage of this act, there shall be elected by the electors of each ward, one justice of the peace, who shall hold his office for Justices of the peace. the term of four years from the time he enters upon the duties thereof, as hereinafter provided, and at every fourth annual election thereafter, unless a vacancy shall sooner occur, there shall be elected one justice of the peace, who shall hold his office four years: *Provided*, That the persons already elected to the office of justice of the peace in said city, shall continue to hold their offices as justices of the peace for the ward in which they severally reside, for the remainder of their term, in the same manner as if they had been severally elected for the same term within their respective wards under this act, and in such wards there shall be no justice of the peace elected under this act, until the expiration of the term for which said justices were elected, or until a vacancy shall otherwise occur; and there shall also be elected annually by the electors of the whole city, voting in their respective wards, one mayor, Mayor. one clerk, one treasurer, one marshal, two directors of the poor, who Clerk. shall hold their offices for the period of one year; at the first annual Treasurer. election after the passage of this act, and at the annual election every Marshal. two years thereafter, there shall be elected in said city by the electors Director of the poor. thereof voting in their respective wards, one recorder, one comptroller, Recorder. who shall each hold his respective office for the term of two years, one Comptroller. school inspector, to hold his office for the term of two years: *Provided*, School inspector. That the person now holding said office of school inspector in said city, shall continue to hold his office for the remainder of his unexpired term. But to entitle any elector of said city to vote at any election for such municipal officers, he shall enter or cause to be entered, his name Registry of voters. in a book to be kept by that alderman of his ward who by this act is made the supervisor of such ward, and such alderman is hereby required to keep said book in some public and convenient place in his ward, accessible at all proper hours to the electors thereof, which book shall be in all respects subject to the inspection of any elector of said city, but under the control of such alderman; no elector, while residing in the same ward, shall be obliged to cause his name to be entered.

more than once in said book, but such entry shall be made therein at least six days before the day of the election at which he votes.

Commissioners of city cemetery.

Sec. 5. The common council shall at the first meeting after their election, or as soon thereafter as may be, and as often as any vacancy occurs in any of the offices in this section named, appoint by ballot two commissioners for the city cemetery (or cemeteries), one of whom shall hold his office for the term of two years, and one of them for the term of one year, and the term of each shall be designated upon the ballot, and annually thereafter the said common council shall appoint one commissioner of the city cemetery, who shall hold his office for two years; the common council may appoint one chief of police, and police constables, to hold their offices during the pleasure of the said common council, not to exceed one for each ward, who shall have the same power and authority as constables now have by law, except as to the service and return of civil process, and proceedings in civil cases, and shall be subject to the same liabilities and regulations except as herein otherwise provided; they may also appoint the watchmen for said city, not to exceed one for each ward, of whom they shall designate one as captain of the watch, to hold their respective offices during the pleasure of said council; they shall appoint at their first annual meeting after their election, or as soon thereafter as may be, one city surveyor, one health physician, to hold their office one year, and so many firewardens, common criers, keepers of alms houses, pound masters, weigh-masters, inspectors of fire wood and auctioneers, as the common council shall deem necessary, each to hold their offices during the pleasure of the common council; the common council shall contract with a counsellor at law to perform such services as may be required of him as attorney and counsellor at law for said city, for such period not exceeding one year, and for such compensation not to exceed five hundred dollars for a year, and the same rate for any less period, as the common council shall determine; the person with whom such contract is made shall not be entitled to receive during its continuance, or for services rendered during its continuance, any fee or reward whatever which shall be paid out of, or withheld from the treasury of the city.

Chief of police.
Police constables.

Watchmen.

City surveyor.

Physician.

Fire wardens.

Attorney.

Compensation of Attorney.

Filling vacancies.

Sec. 6. When any vacancy occurs in any the offices which are appointed by the common council, either by death, resignation or removal of the incumbent, the said council may fill such vacancies by appoint-

ment for the remainder of the unexpired term for which such officer was appointed.

Sec. 7. All officers appointed by the common council, by the provisions of this act, may each be removed from office by the common council, for official misconduct, or for the unfaithful or insufficient performance of the duties of his office, but notice of the charges against them, and an opportunity of being heard in their defence, shall first be given. Removals.

Sec. 8. The common council may direct an additional number of policemen or watchmen to be appointed for such part of the year as they may deem necessary, who shall be appointed in the manner specified in section five of this title. Additional policemen.

Sec. 9. The mayor may appoint an additional number of police constables or watchmen, not exceeding ten of each, when he shall deem it necessary for the purposes of justice, for the preservation of peace, or for the security of the said city; but no such appointment shall be valid for a longer period than until the next meeting of the common council. Additional police constable.

Sec. 10. On the day of election, held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open, without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be finally closed. Opening polls.
Closing polls.

Sec. 11. The inhabitants of the said city being electors under the constitution of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act; and each person offering to vote at any such election, if challenged by an elector of said city before his vote shall be received, shall take one of the oaths now provided by the laws of this State, approved June 27th, 1851, entitled an act to provide for holding general and special elections, unless such person shall claim to be an elector under the proviso named in section thirty-one of this title, and in that case the oath shall be varied according to that proviso, which oath shall be administered to him by one of the inspectors of election, and if any person shall swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury, but the common council of said city are hereby authorized and empowered to provide by general ordinance from time to time, to so change the form of the oath or oaths to be administered to such elector, (if challenged,) as to conform to the consti- Who electors.
Oaths of electors.
False swearing.

tution and laws of the State which may from time to time be in force.

Who to constitute the board of inspectors.

Chairman.

Clerk.

Oaths of office.

Sec. 12. The justice of the peace and the two aldermen of each ward shall constitute the board of inspectors of elections, two of whom shall constitute a quorum, and such one of their number as they shall appoint shall be their chairman; said board shall also appoint two competent persons to be clerks of election; each of said persons so appointed shall take the constitutional oath of office, to be administered by either inspector of said board, who are hereby authorized to administer the same.

Sec. 13. Inspectors of election, as specified in the preceding section, shall be inspectors of election held in said wards respectively, as well for the election of State and county as for the city and ward officers.

Manner of voting.

Sec. 14. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons, designated for any office, than there are persons to be chosen at the election to fill such office. On the outside of each ballot, when folded, there shall appear, written or printed, one of the following words, "ward," "city;" but no ballot, found in the proper box, shall be rejected for want of such endorsement.

Ballot boxes

Sec. 15. The ballot endorsed "city" shall contain the names of persons designated as officers for the city; the ballot containing the names of persons designated as officers for a ward shall be endorsed "ward." The common council shall provide two boxes for each ward, with locks and keys, in which these two kinds of votes shall be deposited separately.

Vacancies.

Sec. 16. If at any annual election to be held in the said city, there shall be one or more vacancies to be supplied, in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for the said office, shall be designated on the ballot.

Canvass.

Sec. 17. Immediately after the closing of the polls, the inspectors of election, shall forthwith, without adjournment, publicly canvass the

votes received by them, and declare the result; and shall, on the same, or on the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election or on the next day, with the clerk of the city.

Sec. 18. It shall be the duty of the inspectors of election, on receiving the vote as specified in section fourteen of this title, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election, or under their direction.

Sec. 19. The manner of canvassing said votes shall be as follows: ^{Method of canvassing.} the inspectors shall proceed first to count the ballots, unopened, in the box marked "city," and if the number of ballots so counted shall exceed the number of names of electors contained in the poll list, one of the inspectors shall draw out and destroy as many as the number of ballots exceeds the number of electors contained in said poll list; and if two or more ballots are found rolled or folded up together, they shall not be counted; and they shall proceed in the same manner with the ballots contained in the box marked "ward," they shall then proceed to count and estimate said votes as provided in the preceding section: *Provided, however,* That the first election held after the passage of this act, shall be held and conducted in all respects as elections have heretofore been under the original charter of said city.

Sec. 20. The person receiving the greatest number of votes for any ^{Plurality.} office in said city or ward, shall be deemed to have been duly elected to such office, and if any officer, except alderman, shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall by ballot elect such officer ^{Proceedings in case of tie} from the two candidates having the highest number of votes.

Sec. 21. The common council of the preceding year shall convene ^{Canvass by common council.} on the Thursday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting; and the statement of votes filed with the clerk of the city, by the inspectors of election, shall be produced by said clerk, when the common council shall forthwith determine and certify, in the manner provided by law, what persons are du-

ly elected, at the said election, to the several offices respectively. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Kent. All officers elected as hereinbefore provided shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided.

Certificates
of election.

Terms of
office when
to com-
mence.

Notifying
officers of
their elec-
tion.

Official
oaths.

Sec. 22. It shall be the duty of the clerk of said city, as soon as practicable, and within five days after the meeting of the common council, as provided in the preceding section, to notify the officers respectively of their election; and the said officers so elected and notified, as aforesaid, shall, within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same with the clerk of the city.

Vacancy in
office of
alderman;
how filled.

Sec. 23. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of aldermen within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Proviso.

Vacancies
filled by ap-
pointment.

Sec. 24. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except aldermen, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed, and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the first Monday of May next succeeding; if an elective office which shall have become vacant was one of that class whose terms of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Sec. 28. The amounts apportioned to and assessed upon all lots of land, premises or sub-divisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury as above provided, or in case the judgment of confirmation be affirmed by the supreme court, and warrant or warrants authorizing the collection thereof shall be issued, as soon as practicable, under the hand of the mayor and the corporate seal of the city, directed to the marshal thereof, and in the collection of such assessments the said marshal shall proceed in the same manner, and shall levy, collect, make return to the city clerk of the sums remaining uncollected, with a description of the lots, premises or sub-divisions, or parts or portions thereof upon which such tax was assessed, and which remains unpaid as aforesaid, and the city clerk shall report the same to the alderman acting as the supervisor, or the aldermen acting as the supervisors of the ward, or of the several wards within which said premises are situated, and the said alderman acting as supervisor shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such assessment and the charges accruing thereon, as is provided by this act in the case of the collection of assessments made for public improvements in said city.

Sec. 29. Within three months after the confirmation of the report of the jury, or after the judgment of confirmation shall, on appeal, be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed, or elected, as above provided for, to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person or persons competent and entitled to receive it, and the treasurer shall take receipt and voucher therefor.

cient number of ballots from which to draw the jury, the marshal shall forthwith, under the order of the court, summon such number of persons as the court shall deem necessary, and may order to be and appear in said court to serve as jurors, and the persons thus summoned shall be returned, be bound to attend said court and serve, and be competent to form the jury, in the same manner and to the same effect as those first summoned.

First 12 persons to constitute jury.

Jury to be sworn.

Instructions to jury.

Jury to view.

Jury to ascertain necessity for taking property & assess damages.

Apportion damages in case of incumbrance.

Jury to assess total damages.

Sec. 9. The first twelve persons who shall appear as their names are drawn and called by the clerk, or who are called by him when all the ballots have been drawn from the jury box, and shall be approved by the court as qualified, shall be the jury, and shall be sworn to discharge the duties imposed on them by this title, faithfully, impartially, and according to the best of their abilities; said court shall then instruct said jury as to their duties and the law applicable to the case, and deliver to them a copy of the resolution of the common council as filed in said court, certified by the clerk thereof.

Sec. 10. Each of said jurors shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken and described in said resolution, or as the case may be, which will be damaged or benefited if the intended improvement be made.

Sec. 11. Said jury shall then ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, the just damages and compensation to be paid to the owner or owners of any property intended to be taken for or that may be damaged by the intended improvement, and award to the owner or owners thereof such damages and compensation as they shall deem just. If such property shall be subject to a valid mortgage, lease, lien, levy or agreement, or to either, then said jury shall apportion and award to the owner or owners of such property, the parties in interest to such mortgage, lease, lien, levy or agreement, or to either of them, such portions of the damage and compensation as they shall deem just.

Sec. 12. Said jury shall then apportion and assess the total damages and compensation to be paid in any case to and upon all lots of land, premises, or subdivisions thereof, which will be benefited if the intended improvement be made, apportioning and assessing to and upon each, such portion of said total damages and compensation as they shall deem just:

Provided, however, That if the total damages and compensation to be ^{Proviso.} awarded to any person or persons as above shall exceed the total benefits to be apportioned to and assessed upon any property for the benefit such property will receive, then such excess shall be apportioned and assessed to the city of Grand Rapids.

Sec. 13. Said jury shall then make in writing, and each shall sign, a ^{Jury to} report to said court of their doings, enclose the same in a sealed envel- ^{make re-} ope, and file it in the office of the clerk of said court, within thirty days after they were sworn.

Sec. 14. Said jury shall state in their report the just damages and ^{Contents of} compensation ascertained and awarded by them to the owner of any private property, or to any person claiming an interest therein by virtue of any mortgage, lease, lien, levy, or agreement, or either, to which such property may be subject, together with the name of such owner or claimant, if known, and a description of the property intended to be taken. In case any damage and compensation be awarded to any person claiming an interest in such property by virtue of any valid mortgage, lease, lien, levy, or agreement, or either, to which such property may be subject, it shall be sufficient to state further, in such case, the name of such interested party, the date of such mortgage, lease, lien, levy, or agreement, or assignment thereof, if there be any, by virtue of which such interested party has an interest in the property intended to be taken.

Sec. 15. Said jury shall also state in their report what portions in ^{Ib.} amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises, or subdivision thereof, which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same, and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Grand Rapids, in the case above provided for.

Sec. 16. Said report may be confirmed by said court at any term ^{Confirma-} thereof, or at any time when said court may be regularly in session; ^{tion of re-} and the said court shall appoint some day when it will consider said re- ^{port.} port, and objections against the confirmation thereof on the part of all ^{Time when} persons interested therein, whereof the city attorney shall give notice ^{objections} by publishing the same in some daily newspaper published in said city, ^{will be} ^{heard.}

Quorum.

Sec. 8. A majority of the common council shall be a quorum for the transaction of business; but no tax, or assessment, shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the members of the common council: and the council shall prescribe the rules for its proceedings.

Rules.**Disabilities
of members.**

Sec. 9. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold, any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor or recorder from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office.

**Powers of
common
council.**

Sec. 10. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, establish, modify, amend and repeal, such ordinances, by-laws, and regulations, as they deem desirable within said city, for the following purposes:

Public peace

1. To prevent vice and immorality, to preserve public peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances, and disorderly assemblages:

**Disorderly
houses.**

2. To restrain and prevent disorderly and gaming houses, and houses of ill fame, all instruments and devices used for gaming, and to prohibit

Gaming.

all gaming and fraudulent devices, and regulate or restrain billiard tables, and bowling alleys:

Liquors.

3. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drank, any intoxicating liquors to any child or young person, without the consent of his or her parent or guardian, and to prohibit, restrain and regulate the sale of all goods, ware,

Sec. 21. Any person to whom damages and compensation may be **Appeal.** awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the recorder's court confirming the report of the jury to the supreme court, by filing in writing with the clerk of said recorder's court a notice of such **Notice of Appeal.** appeal and specification of the errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specification of errors on the attorney of the corporation, and filing a bond in said recorder's court, to be approved by the recorder, condi- **Bond.** tioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant in case the judgment of confirmation of the recorder's court be affirmed.

Sec. 22. In case of appeal as above, it shall be the duty of the clerk **Clerk to transmit certified copy of proceedings to supreme court.** of the recorder's court forthwith, or as soon as practicable, to transmit to the supreme court a certified copy of all the proceedings in the case, which may be filed in the office of any clerk of said court.

Sec. 23. The supreme court at any term thereof shall, with the least **Duties and powers of supreme court.** practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of the recorder's court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any errors except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal and proceedings thereon, to be taxed, and all costs and expenses awarded to the city of Grand Rapids in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant or appellants.

Sec. 24. If there be a reversal for any errors which it is practicable **Supreme court may remand case for correction of errors.** for the recorder's court or said jury to correct with due regard to the public interest and rights of individuals, the proceedings shall be remanded to said recorder's court with direction that such errors be corrected. Said recorder's court at any term thereof, or, (as the case may be,) said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury shall be confirmed by said recorder's court, without any further right of appeal.

Council may
elect to pay
damages.

Sec. 25. In case of every annulment of the report of the jury by the recorder's court, or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants, on filing a certified copy of said resolution in the recorder's court within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said recorder's court as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had except in a case of reversal, when the proceedings may have been remanded to the recorder's court for the correction of certain errors, in which case such errors shall be corrected, and the report of the jury confirmed as above provided.

Confirma-
tion of re-
port or af-
firmation of
judge to be
final.

Sec. 26. If the report of the jury be confirmed by the recorder's court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or sub-division thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Certified
copy of
order to be
filed by
clerk in offi-
ce of city
clerk.

Sec. 27. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the clerk of the recorder's court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the recorder's court, and of the order of the court confirming the same, and the clerk shall file said certified copy in the office of the clerk of the

City clerk to
record.

Certified
copy and re-
cord to be
presumptive
evidence.

city, who shall record the same in a book to be provided, used and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the clerk of the recorder's court, shall in all courts and places be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to the order of the court confirming the report of the jury.

Sec. 28. The amounts apportioned to and assessed upon all lots of land, premises or sub-divisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury as above provided, or in case the judgment of confirmation be affirmed by the supreme court, and warrant or warrants authorizing the collection thereof shall be issued, as soon as practicable, under the hand of the mayor and the corporate seal of the city, directed to the marshal thereof, and in the collection of such assessments the said marshal shall proceed in the same manner, and shall levy, collect, make return to the city clerk of the sums remaining uncollected, with a description of the lots, premises or sub-divisions, or parts or portions thereof upon which such tax was assessed, and which remains unpaid as aforesaid, and the city clerk shall report the same to the alderman acting as the supervisor, or the aldermen acting as the supervisors of the ward, or of the several wards within which said premises are situated, and the said alderman acting as supervisor shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such assessment and the charges accruing thereon, as is provided by this act in the case of the collection of assessments made for public improvements in said city.

Sec. 29. Within three months after the confirmation of the report of the jury, or after the judgment of confirmation shall, on appeal, be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed, or elected, as above provided for, to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person or persons competent and entitled to receive it, and the treasurer shall take receipt and voucher therefor.

by them directed, it shall be lawful for the common council to cause the same to be done at the expense of the city, and to recover the expenses thereof, with damages at the rate of ten per cent., with costs of suit, from such owner or occupant.

May impose penalties.

Sec. 14. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars, (unless the imposition of a greater penalty be herein otherwise provided,) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the county jail of Kent county, or the city penitentiary for any term not exceeding ninety days, which penalties may be sued for and recovered, with costs, in the name of the city of Grand Rapids.

Ordinances imposing penalties; when to take effect.

Sec. 15. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least three days after the first publication thereof in a newspaper (published) in said city.

Mode of introducing ordinances as evidence.

Sec. 16. A record or entry made by the clerk of the said city, or a copy of such record or entry duly certified by him, shall be prima facie evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto; either,

1. From a copy certified by the clerk of the city, with the seal of the city of Grand Rapids affixed; or,

2. From the volume of ordinances printed by authority of the common council.

Mode of publication of ordinances, &c.

Sec. 17. Whenever the common council are required by law to make publication of any notices, ordinances, or resolutions or proceedings, in one or more newspapers of said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city.

Cemeteries.

Sec. 18. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of a city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as they may deem necessary; and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate

of section twenty-eight, in case of the inability of such marshal, whether ^{may be performed by} by absence, sickness, or interest in the subject matter of the proceedings, ^{constables.} may be performed by either of the ward constables of said city.

Sec. 33. The common council shall pay said jury such compensation ^{Compensation of jury.} for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in said recorder's court, at any time before the final confirmation of the report of the jury.

Sec. 34. The common council shall be commissioners of highways ^{Common council to be commissioners of highways.} for said city, and shall have the care and supervision of the highways, ^{Duties as such.} streets, bridges, lanes, alleys, parks, and public grounds therein; and it shall be their duty to give directions for the repairing, preserving, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds, and to cause the same to be repaired, cleansed, improved, and secured, from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks and alleys, already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described; to divide said ^{1b.} city, from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution, entered in their minutes; to appoint and assign to each of such districts so many inspectors of ^{1b.} streets as they shall from time to time deem proper, and such inspectors shall in all cases, when required by the common council, give such security as said council shall require, for the faithful performance of their duties; and the council may assign to such inspectors such duties in relation to the opening, laying out, making, repairing and preserving

mon victualler, or saloon keeper, within said city, and may impose such fees to be paid into the city treasury, on the granting of such license, as they may see fit.

Sealer of
weights and
measures.

Sec. 23. The city clerk shall be the sealer of weights and measures of the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights and measures; and the laws of this State relating to the sealing of weights and measures shall apply to the said city.

Annual
settlement
with city
treasurer.

Sec. 24. On the last Tuesday in the month of April, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year; in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessments for opening, paving, planking, repairing, and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained; and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Sec. 25. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; and the same shall be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, previous to the first day of May thereafter.

TITLE IV.

POWERS AND DUTIES OF CITY OFFICERS.

General
duties of
mayor.

Sec. 1. It shall be the duty of the mayor to take care that the laws of the State, and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common

amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city not interested in any of the property so benefited, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by making of such improvements; which order shall be certified by the clerk of the city and delivered to one of said commissioners, together with a map or profile of the proposed improvement in cases where the same is practicable.

Sec. 39. It shall be the duty of said commissioners so designated Duties of commissioners. and appointed by the common council, to meet together at such time and place as the common council shall appoint, or in case said council do not so appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officer by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned and filed with the city clerk. In case any such commissioner shall not be able to take such oath, the city clerk shall forthwith return that fact to the common council, and the said council shall thereupon appoint one or more commissioners not interested and not of kin as aforesaid, to make the number three, and proceed in like manner until three commissioners are sworn as aforesaid.

Sec. 40. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots shall be unoccupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of towns, with the value thereof and the

amount assessed thereon, which assessment shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of the said city.

Compensation of commissioners.

Sec. 41. The said commissioners shall receive such compensation for their services as shall be allowed them by the common council, to be paid out of the contingent fund of the said city, not exceeding two dollars per day for each.

Notice of time of hearing appeals.

Sec. 42. Upon such return being made and filed, the clerk of the city shall cause notice of the names being returned to his office to be published in a daily newspaper of the said city for at least ten days, and that the common council will, on such day as they shall appoint, proceed to hear any appeals from the said assessment.

Hearing of appeals.

Sec. 43. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same persons, or by such other persons as the common council shall appoint for that purpose; and in such case, the same proceedings shall be had as are herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Assessment conclusive and to be a lien.

Sec. 44. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax.

Warrant of mayor.

Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof; which warrant shall direct the marshal to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor

Warrant to be delivered to marshal. Powers of marshal.

annexed, shall be delivered to said marshal within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property upon such premises, or in possession of the person chargeable with such tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the marshal shall, within five days after the time pre-

scribed by his said warrant for the collection thereof has expired, pay to the city treasurer all sums collected on such tax roll, and make report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall in like manner notify the alderman acting as the supervisor of the proper ward or wards within which such premises are situate, of the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll of such ward next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold for non-payment thereof, as provided by law for non-payment of the ordinary city taxes.

Sec. 45. In cases where there is no agreement to the contrary the owner or landlord, and not the occupant or tenant, shall be deemed Owner or landlord to pay tax. in law the person who ought to bear and pay every such assessment, made for the expense of any public improvement in the said city.

Sec. 46. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to Person paying may recover of person who ought to pay. sue for and recover of the person bound to pay the same the amount so paid, with interest.

Sec. 47. Nothing herein contained shall impair, or in any way affect, any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Sec. 48. If, upon completion of any such improvement for which such assessment shall have been made, it shall appear that a greater Excess to be apportioned and paid to tax payer. amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such persons and the owner of such property entitled thereto, on demand.

Sec. 49. If it shall appear that a greater sum of money has been Deficit may be assessed. expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the same on the owners and occupants of houses and lands benefited by such

Council may
elect to pay
damages.

Sec. 25. In case of every annulment of the report of the jury by the recorder's court, or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants, on filing a certified copy of said resolution in the recorder's court within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said recorder's court as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had except in a case of reversal, when the proceedings may have been remanded to the recorder's court for the correction of certain errors, in which case such errors shall be corrected, and the report of the jury confirmed as above provided.

Confirma-
tion of re-
port or af-
firmation of
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Sec. 26. If the report of the jury be confirmed by the recorder's court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or sub-division thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Certified
copy of
order to be
filed by
clerk in off-
ice of city
clerk.

Sec. 27. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the clerk of the recorder's court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the recorder's court, and of the order of the court confirming the same, and the clerk shall file said certified copy in the office of the clerk of the city, who shall record the same in a book to be provided, used and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the clerk of the recorder's court, shall in all courts and places be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to the order of the court confirming the report of the jury.

City clerk to
record.
Certified
copy and re-
cord to be
presumptive
evidence.

Sec. 28. The amounts apportioned to and assessed upon all lots of land, premises or sub-divisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury as above provided, or in case the judgment of confirmation be affirmed by the supreme court, and warrant or warrants authorizing the collection thereof shall be issued, as soon as practicable, under the hand of the mayor and the corporate seal of the city, directed to the marshal thereof, and in the collection of such assessments the said marshal shall proceed in the same manner, and shall levy, collect, make return to the city clerk of the sums remaining uncollected, with a description of the lots, premises or sub-divisions, or parts or portions thereof upon which such tax was assessed, and which remains unpaid as aforesaid, and the city clerk shall report the same to the alderman acting as the supervisor, or the aldermen acting as the supervisors of the ward, or of the several wards within which said premises are situated, and the said alderman acting as supervisor shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return thereof, and for the sale of such premises for the non-payment of such assessment and the charges accruing thereon, as is provided by this act in the case of the collection of assessments made for public improvements in said city.

Sec. 29. Within three months after the confirmation of the report of the jury, or after the judgment of confirmation shall, on appeal, be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed, or elected, as above provided for, to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person or persons competent and entitled to receive it, and the treasurer shall take receipt and voucher therefor.

printed in the said city of Grand Rapids, to all persons interested or claiming such property: *Provided, always,* That if any goods, wares, merchandise, or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time, and after such notice, as to him and the said common council shall seem proper.

Duty of justice in relation to stolen property.

Sec. 22. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses, which may have been incurred in the recovering, preservation or sustenance of such property, and the expenses of advertising the same.

Sale of unclaimed property.

Sec. 23. It shall be the duty of each of the justices of the peace aforesaid to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Kent shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city of Grand Rapids, together with all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

Fees of constables. Powers and duties.

Sec. 24. The police constables of said city shall have and receive the same fees, and have the like powers and authority in matters of a criminal nature, as is conferred by law upon constables in the several towns of this State, and shall, if required by the common council, give like security.

Duties of constables.

Sec. 25. The city constables and police constables shall obey the orders of the mayor, recorder and aldermen, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of the State or the ordinances of said city, and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Expenses in criminal cases to be

Sec. 26. The expenses of apprehending, examining and committing offenders against any law of this State in the said city, and of their confine-

of section twenty-eight, in case of the inability of such marshal, whether ^{may be performed by} by absence, sickness, or interest in the subject matter of the proceedings, ^{constables.} may be performed by either of the ward constables of said city.

Sec. 33. The common council shall pay said jury such compensation ^{Compensation of jury.} for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in said recorder's court, at any time before the final confirmation of the report of the jury.

Sec. 34. The common council shall be commissioners of highways ^{Common council to be commissioners of highways.} for said city, and shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds therein; and it shall be their duty to give directions for the repairing, preserving, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds, and to cause the same to be repaired, cleansed, improved, and secured, from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks and alleys, already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described; to divide said ^{city,} city, from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution, entered in their minutes; to appoint and assign to each of such districts so many inspectors of ^{streets} streets as they shall from time to time deem proper, and such inspectors shall in all cases, when required by the common council, give such security as said council shall require, for the faithful performance of their duties; and the council may assign to such inspectors such duties in relation to the opening, laying out, making, repairing and preserving

the streets, highways, lanes, alleys, parks, squares and public grounds of said city, as they may deem expedient; and the said inspectors shall possess all the powers, and be subject to all the liabilities, of overseers of highways in the several townships of the State, so far as the same may be applicable to said city under the provisions of this act.

1b. Sec. 35. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or side-walk of said city.

1b. Sec. 36. The common council shall have the same power in relation to discontinuing any street, highway, lane or alley in said city, which the commissioner of highways in townships have or may hereafter receive in relation to town highways, and they may adopt the same proceedings to effect such object as near as may be as the commissioners of highways in townships are, or may be by law required to adopt, and appeals may be taken to the recorder's court in like manner as far as practicable as appeals are now or may hereafter by law be taken from the decisions of highway commissioners in townships, and the said recorder's court is hereby authorized and empowered to hear and determine such appeals.

1b. Sec. 37. Whenever the common council shall determine that the whole or any part of the expense of any public improvement not requiring the taking of any land by the said city, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; the costs and expenses of making the estimates, plans and assessments incidental thereto, shall be included in the estimated expenses of such improvement.

1b. Sec. 38. The common council shall thereupon make an order reciting the public improvement so as aforesaid intended to be made, the

amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city not interested in any of the property so benefited, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by making of such improvements; which order shall be certified by the clerk of the city and delivered to one of said commissioners, together with a map or profile of the proposed improvement in cases where the same is practicable.

Sec. 39. It shall be the duty of said commissioners so designated Duties of commissioners. and appointed by the common council, to meet together at such time and place as the common council shall appoint, or in case said council do not so appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officer by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned and filed with the city clerk. In case any such commissioner shall not be able to take such oath, the city clerk shall forthwith return that fact to the common council, and the said council shall thereupon appoint one or more commissioners not interested and not of kin as aforesaid, to make the number three, and proceed in like manner until three commissioners are sworn as aforesaid.

Sec. 40. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots shall be unoccupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of towns, with the value thereof and the

appoint some suitable person, who will give the requisite security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and be subject to the same liabilities, in this act conferred upon constables of the several wards of said city, for the purpose of the collection and return and paying over such taxes.

Per centage
for collect-
ing taxes.

Sec. 6. For the collection of all such taxes, the constable, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council by ordinance, not exceeding two per cent. upon the sum to be collected; which sum shall be added in the computation of the taxes on said tax rolls of the respective wards of said city.

Supervisors
to make as-
sessment
rolls.

Sec. 7. Each of the aldermen acting as the supervisors of said city, shall, in each and every year, make and complete the assessment of all the real and personal property within their respective wards, in the same manner and within the same time as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of the supervisors of the several townships of this State, performing like services; and in all other respects, within their respective wards, they shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property, the levying of taxes, and the issuing of warrants for the collection and return thereof; and they shall, also, in each year, within thirty days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the city clerk of said city, a true and certified copy of the assessment rolls of their respective wards for such year, and such city clerk shall receive and file the same in his office.

Common
council to
determine
amount
necessary to
be raised by
tax for each
year.

City clerk to
certify
amount to
Co. clerk.

Sec. 8. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the city clerk to certify the amount so to be raised to the clerk of the county of Kent, on or before the first Monday in October in each

scribed by his said warrant for the collection thereof has expired, pay to the city treasurer all sums collected on such tax roll, and make report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall in like manner notify the alderman acting as the supervisor of the proper ward or wards within which such premises are situate, of the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll of such ward next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold for non-payment thereof, as provided by law for non-payment of the ordinary city taxes.

Sec. 45. In cases where there is no agreement to the contrary Owner or landlord to pay tax. the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment, made for the expense of any public improvement in the said city.

Sec. 46. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest. Person paying may recover of person who ought to pay.

Sec. 47. Nothing herein contained shall impair, or in any way affect, any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Sec. 48. If, upon completion of any such improvement for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such persons and the owner of such property entitled thereto, on demand. Excess to be apportioned and paid to tax payer.

Sec. 49. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the same on the owners and occupants of houses and lands benefited by such Deficit may be assessed.

Upon payment, tender or deposit, land to be vested in city.

Sec. 30. Upon such payment, tender, or deposit in the city treasury, the fee and ownership of the land and property to be taken, with its appurtenances, shall be fully vested in the said city, and the common council may enter upon, take possession of, and convert the same to the uses and purposes for which it has been taken. A certificate of the city treasurer of such tender, payment, or deposit, or record thereof in the book of street records, or certified copy of such record, shall, in all courts and places, be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken in the city of Grand Rapids, and of the right of the common council to take possession of and convert the same to the uses for which it has been taken.

Certificate to be evidence.

In case of incumbrances covenants to be void.

Sec. 31. In all cases where any real estate, subject to any lease or agreement, shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine, and be discharged, upon the final confirmation of the report of the jury, or upon the affirmation, by the supreme court, of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged, only as to such part; and the recorder's court, on application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners, to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter to be performed under the lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report, in writing, of their doings, to said court, which shall be filed therein within thirty days after their appointment; and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement, and the fees and expenses of proceedings under this section shall be borne in whole or in part by the parties to such lease or agreement, or either of them, or by the city of Grand Rapids, in the discretion of the common council.

When part only taken covenants to cease in part.

Appointment of commissioners to determine rents, &c.

Certain duties of marshal

Sec. 32. The duties above in this title to be performed by the marshal of said city, excepting the collection of the assessments by virtue

of section twenty-eight, in case of the inability of such marshal, whether ^{may be performed by} by absence, sickness, or interest in the subject matter of the proceedings, ^{constables.} may be performed by either of the ward constables of said city.

Sec. 33. The common council shall pay said jury such compensation ^{Compensation of jury.} for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in said recorder's court, at any time before the final confirmation of the report of the jury.

Sec. 34. The common council shall be commissioners of highways ^{Common council to be commissioners of highways.} for said city, and shall have the care and supervision of the highways, ^{Duties as such.} streets, bridges, lanes, alleys, parks, and public grounds therein; and it shall be their duty to give directions for the repairing, preserving, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds, and to cause the same to be repaired, cleansed, improved, and secured, from time to time, as may be necessary; to regulate the roads, streets, highways, lanes, parks and alleys, already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described; to divide said ^{city,} city, from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution, entered in their minutes; to appoint and assign to each of such districts so many inspectors of ^{streets} streets as they shall from time to time deem proper, and such inspectors shall in all cases, when required by the common council, give such security as said council shall require, for the faithful performance of their duties; and the council may assign to such inspectors such duties in relation to the opening, laying out, making, repairing and preserving

the streets, highways, lanes, alleys, parks, squares and public grounds of said city, as they may deem expedient; and the said inspectors shall possess all the powers, and be subject to all the liabilities, of overseers of highways in the several townships of the State, so far as the same may be applicable to said city under the provisions of this act.

1b. Sec. 35. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or side-walk of said city.

1b. Sec. 36. The common council shall have the same power in relation to discontinuing any street, highway, lane or alley in said city, which the commissioner of highways in townships have or may hereafter receive in relation to town highways, and they may adopt the same proceedings to effect such object as near as may be as the commissioners of highways in townships are, or may be by law required to adopt, and appeals may be taken to the recorder's court in like manner as far as practicable as appeals are now or may hereafter by law be taken from the decisions of highway commissioners in townships, and the said recorder's court is hereby authorized and empowered to hear and determine such appeals.

1b. Sec. 37. Whenever the common council shall determine that the whole or any part of the expense of any public improvement not requiring the taking of any land by the said city, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; the costs and expenses of making the estimates, plans and assessments incidental thereto, shall be included in the estimated expenses of such improvement.

1b. Sec. 38. The common council shall thereupon make an order reciting the public improvement so as aforesaid intended to be made, the

amount of expense to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city not interested in any of the property so benefited, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands and houses within the portion or part so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by making of such improvements; which order shall be certified by the clerk of the city and delivered to one of said commissioners, together with a map or profile of the proposed improvement in cases where the same is practicable.

Sec. 39. It shall be the duty of said commissioners so designated Duties of commissioners. and appointed by the common council, to meet together at such time and place as the common council shall appoint, or in case said council do not so appoint, as said commissioners shall themselves agree upon, and thereupon said commissioners shall severally take and subscribe an oath before some officer by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned and filed with the city clerk. In case any such commissioner shall not be able to take such oath, the city clerk shall forthwith return that fact to the common council, and the said council shall thereupon appoint one or more commissioners not interested and not of kin as aforesaid, to make the number three, and proceed in like manner until three commissioners are sworn as aforesaid.

Sec. 40. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots shall be unoccupied, belonging to any person residing in the said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of towns, with the value thereof and the

amount assessed thereon, which assessment shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of the said city.

Compensation of commissioners.

Sec. 41. The said commissioners shall receive such compensation for their services as shall be allowed them by the common council, to be paid out of the contingent fund of the said city, not exceeding two dollars per day for each.

Notice of time of hearing appeals.

Sec. 42. Upon such return being made and filed, the clerk of the city shall cause notice of the names being returned to his office to be published in a daily newspaper of the said city for at least ten days, and that the common council will, on such day as they shall appoint, proceed to hear any appeals from the said assessment.

Hearing of appeals.

Sec. 43. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same persons, or by such other persons as the common council shall appoint for that purpose; and in such case, the same proceedings shall be had as are herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Assessment conclusive and to be a lien.

Sec. 44. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been so ratified, the

Warrant of mayor.

mayor shall affix to such assessment and tax roll his warrant for the collection thereof; which warrant shall direct the marshal to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor

Warrant to be delivered to marshal. Powers of marshal.

annexed, shall be delivered to said marshal within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property upon such premises, or in possession of the person chargeable with such tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the marshal shall, within five days after the time pre-

scribed by his said warrant for the collection thereof has expired, pay to the city treasurer all sums collected on such tax roll, and make report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall in like manner notify the alderman acting as the supervisor of the proper ward or wards within which such premises are situate, of the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll of such ward next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold for non-payment thereof, as provided by law for non-payment of the ordinary city taxes.

Sec. 45. In cases where there is no agreement to the contrary the owner or landlord, and not the occupant or tenant, shall be deemed Owner or landlord to pay tax. in law the person who ought to bear and pay every such assessment, made for the expense of any public improvement in the said city.

Sec. 46. Where any such assessment shall be made upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest. Person paying may recover of person who ought to pay.

Sec. 47. Nothing herein contained shall impair, or in any way affect, any agreement between any landlord and tenant, or other persons, respecting the payment of any such assessments.

Sec. 48. If, upon completion of any such improvement for which such assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons and property assessed, in proportion to the amount collected of them, and shall pay the same to such persons and the owner of such property entitled thereto, on demand. Excess to be apportioned and paid to tax payer.

Sec. 49. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the same on the owners and occupants of houses and lands benefited by such Deficit may be assessed.

improvements, in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

Tax a lien. Sec. 50. Every tax or assessment for public improvements, or for other purposes authorized by this act, except as herein otherwise provided, assessed upon any lands, tenements, or real estate, or upon the owners or occupants thereof, shall be and remain a lien upon such lands, tenements and real estate, on which, or in respect to which, the same shall be made, from the time of filing the roll containing the same with the city clerk, until the same shall be paid or satisfied.

Common council may require owner to construct side-walk or street.

Sec. 51. Whenever the common council shall deem it expedient to construct any side-walk or pavement, or plank any street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street to lay such sidewalk, or construct such pavement, or plank such street, to the middle of the said street, in front of his or her lot or house; or they may direct such sidewalks and pavements, and such streets, to be planked, to be made according to the provisions of this title. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain and re-construct side-walks, pavements and street improvements adjoining their respective premises, to the middle of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected, may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises.

Proceedings in case owner refuse.

Sec. 52. Whenever the owner or occupant of any lot or house shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by the said council for widening streets, or for any other purpose, it shall be lawful for the said common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses with damages, at the rate of ten per cent. with costs of suit, from the owner or occupant of such lot or house, whose duty it was to conform to such regulation.

Sec. 53. The common council are authorized to assess the lands of non-residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances, and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-payment of the same, as in relation to the assessments for public improvements in said city; except as the common council may otherwise determine or direct. It shall in all cases be the duty of the owner of every lot or parcel of land in said city, to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from the sidewalk. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect so to do, for such time not less than twenty-four hours, as the common council by a general or special ordinance, resolution or otherwise may fix, the common council may cause the same to be done at the expense of the city, and may add such expense (not exceeding ten dollars on any lot or piece of land in any year) to the amount of the general city tax on such land, in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid or collected) the land sold therefor, in the same manner as for general city taxes.

Lands of non residents may be assessed.

Owners to keep sidewalks and street clean.

Proceedings if owners refuse.

Sec. 54. Every person owning or occupying land or tenements in the said city, and every male inhabitant thereof over the age of twenty-one years and under the age of fifty, except as hereinafter provided, residing in said city, shall be assessed for highway taxes in said city; and the lands and tenements of non-residents situated in said city shall be assessed for highway taxes as hereinafter provided.

Persons liable for highway taxes.

Sec. 55. The alderman acting as supervisor of each ward of said city, shall, on or before the fifteenth of May in each year, furnish the common council with a list subscribed by him, of the names of all the inhabitants of his ward who are liable to be assessed for highway taxes.

List to be furnished.

Sec. 56. The common council shall in the month of May in each year make out from the assessment rolls in said city, a separate list and statement of the value of all the taxable personal property, and a de-

Statement of lands in each highway district.

Council may
elect to pay
damages.

Sec. 25. In case of every annulment of the report of the jury by the recorder's court, or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants, on filing a certified copy of said resolution in the recorder's court within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said recorder's court as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had except in a case of reversal, when the proceedings may have been remanded to the recorder's court for the correction of certain errors, in which case such errors shall be corrected, and the report of the jury confirmed as above provided.

Confirma-
tion of re-
port or af-
firmation of
judge to be
final.

Sec. 26. If the report of the jury be confirmed by the recorder's court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or sub-division thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Certified
copy of
order to be
filed by
clerk in off-
ice of city
clerk.

Sec. 27. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the clerk of the recorder's court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the recorder's court, and of the order of the court confirming the same, and the clerk shall file said certified copy in the office of the clerk of the city, who shall record the same in a book to be provided, used and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the clerk of the recorder's court, shall in all courts and places be presumptive evidence of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to the order of the court confirming the report of the jury.

City clerk to
record.

Certified
copy and re-
cord to be
presumptive
evidence.

Sec. 60. The taxes assessed and collected in each highway district shall be kept separate, and when collected the marshal shall pay the same into the city treasury, and the treasurer shall enter the respective amounts so paid in a book to be kept by him for that purpose, to the credit of the highway district from which they were collected. Taxes in each highway district to be kept separate.

Sec. 61. The moneys so collected and paid into the treasury as aforesaid shall constitute the highway fund of said highway districts in said city, and shall be applied as follows: Highway fund; how applied.

1. The street inspectors of the several highway districts, under the general supervision of the marshal, shall at all times keep the streets, bridges, culverts and drains allotted to them to oversee in thorough repair and free from obstructions; they shall report on oath to the common council, once in each month, which report shall contain an accurate statement of the amount of labor performed and the expense necessarily incurred for material, and the streets upon which the same was performed, or expense incurred, and their charges for the same:

2. The common council shall examine such report, and if satisfied of its correctness, and that the charges therein made are just and reasonable, they shall accept it and order it filed, but if they are satisfied that it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and shall allow such charges as they shall deem just and equitable; they shall then let said report lay upon the table one week, and if not withdrawn by the inspector by filing a notice in writing to that effect with the city clerk in that time, they shall accept it and order it filed as corrected by them:

3. When any such report is filed the mayor shall draw an order upon the highway fund of the district in which the repairs were made, to the amount of such charge in said report, payable to said inspector, which order shall be countersigned by the comptroller, and upon presentment, the city treasurer shall pay from the funds of such district, if there be any money in the treasury belonging to such district, and enter the same to the debit of the fund of such district, in a book to be kept by him for that purpose:

4. No money belonging to one highway district, shall be applied in payment for repairs made in any other highway district.

Books of
highway
funds to be
open for in-
spection.

Sec. 62. The books kept by the city treasurer in which the debts and credits of the highway funds are entered, shall be open at all reasonable hours to the inspection of members of the common council.

Assessm'ts
on cellars
and drains.

Sec. 63. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain, as follows, to wit: the sum of one dollar and fifty cents annually for each cellar drained directly or indirectly by a drain, into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of fifty cents annually for each lot, or sub-division of lot, being without a cellar, drained as aforesaid into any public drain or sewer; and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, drained as aforesaid; which sums, when collected, shall constitute the sewer fund, and shall be expended exclusively for the repair and construction of sewers, and the collection of the charges to individuals for drainage in this section provided, shall be enforced in such manner as the common council may by ordinance direct.

All taxes
and assess-
ments to be
lien.

Sec. 64. When any assessment for public improvements, or for any local improvements or expenses upon any ward, highway district, street, lane, alley, public sewer, or other improvement shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the city marshal for collection, the same shall be a lien upon the premises upon which the same was assessed, and the city marshal collecting such tax, shall levy and collect the same of any personal property found on the premises so assessed, or in possession of that person chargeable with such tax, and in case sufficient personal property shall not be found to levy and collect the same, the said marshal shall make return to the city clerk of the sums so remaining uncollected by him, with a description of the lots or parcels upon which such tax was assessed, and which remains unpaid as aforesaid, and thereupon the city clerk shall report the same to the alderman acting as the supervisor, or the aldermen acting as the supervisors of the several wards within which such premises are situated, and thereupon the said alderman acting as the supervisor shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return

thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return and sale of premises for non-payment of the ordinary city taxes.

Sec. 65. When the marshal shall have levied any personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same, in the same manner and upon like notice, as required by law in the levy and sale of personal property for non-payment of taxes by township treasurers.

TITLE VII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

Sec. 1. For the purpose of guarding against the calamities of fire the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected; and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

Sec. 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Sec. 3. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire-buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

Sec. 4. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the clearing of chim-

Sale of personal property.

ty.

Common council may prevent erection of wooden buildings.

May require owners of buildings to have scuttles &c.

Fire buckets

Ashes, stoves and pipes, flues, &c.

neys, flues, stovepipes, and all other conductors of smoke, and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having therein any chimneys, flues, stovepipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleaned, and may collect the expense thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

Other safe-
guards
against fires.

Sec. 5. The common council may regulate the use of lights and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings, and may regulate the transporting, keeping, and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fireplace, stovepipe, flue, chimney, or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

May cause
dwellings to
be examin-
ed.

Sec. 6. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fireplaces, stoves, pipes, flues, chimneys, or other conductor of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally, with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Fire engines
&c.

Sec. 7. The common council may procure, own, build, erect, and keep in repair, such and so many fire engines, with their hose and other

apparatus, engine houses, ladders, fire hooks and fire buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, reservoirs of water, as they from time to time shall judge necessary.

Sec. 8. The common council shall have power to organize said city ^{Fire department.} into so many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, four assistant engineers, twice the number of wardens as there are wards in the said city, a proper number of firemen, not exceeding fifty to each engine, such number of hook and ladder men, and such number of tub and hose men as may be appointed by the said common council; all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

Sec. 9. The common council may make rules and regulations for the ^{Regulations for fire companies.} government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

Sec. 10. The engineers and fire wardens, under the direction of the ^{Powers and duties of engineers and fire wardens.} common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook-and-ladder men, tub-and-hose men, to the common council, at stated periods to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the facts in all courts and places, on proof of the genuineness of such certificate.

Sec. 11. The common council may by ordinance direct the manner ^{Fire bells.} in which the bells in the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such

improvements, in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

Tax a lien. Sec. 50. Every tax or assessment for public improvements, or for other purposes authorized by this act, except as herein otherwise provided, assessed upon any lands, tenements, or real estate, or upon the owners or occupants thereof, shall be and remain a lien upon such lands, tenements and real estate, on which, or in respect to which, the same shall be made, from the time of filing the roll containing the same with the city clerk, until the same shall be paid or satisfied.

Common council may require owner to construct side-walk or street.

Sec. 51. Whenever the common council shall deem it expedient to construct any side-walk or pavement, or plank any street within the said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining such street to lay such sidewalk, or construct such pavement, or plank such street, to the middle of the said street, in front of his or her lot or house; or they may direct such sidewalks and pavements, and such streets, to be planked, to be made according to the provisions of this title. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain and re-construct side-walks, pavements and street improvements adjoining their respective premises, to the middle of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected, may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises.

Proceedings in case owner refuse.

Sec. 52. Whenever the owner or occupant of any lot or house shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by the said council for widening streets, or for any other purpose, it shall be lawful for the said common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses with damages, at the rate of ten per cent. with costs of suit, from the owner or occupant of such lot or house, whose duty it was to conform to such regulation.

Sec. 53. The common council are authorized to assess the lands of non-residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances, and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of the non-payment of the same, as in relation to the assessments for public improvements in said city; except as the common council may otherwise determine or direct. It shall in all cases be the duty of the owner of every lot or parcel of land in said city, to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from the sidewalk. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect so to do, for such time not less than twenty-four hours, as the common council by a general or special ordinance, resolution or otherwise may fix, the common council may cause the same to be done at the expense of the city, and may add such expense (not exceeding ten dollars on any lot or piece of land in any year) to the amount of the general city tax on such land, in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid or collected) the land sold therefor, in the same manner as for general city taxes.

Lands of non residents may be assessed.

Owners to keep sidewalks and street clean.

Proceedings if owners refuse.

Sec. 54. Every person owning or occupying land or tenements in the said city, and every male inhabitant thereof over the age of twenty-one years and under the age of fifty, except as hereinafter provided, residing in said city, shall be assessed for highway taxes in said city; and the lands and tenements of non-residents situated in said city shall be assessed for highway taxes as hereinafter provided.

Persons liable for highway taxes.

Sec. 55. The alderman acting as supervisor of each ward of said city, shall, on or before the fifteenth of May in each year, furnish the common council with a list subscribed by him, of the names of all the inhabitants of his ward who are liable to be assessed for highway taxes.

List to be furnished.

Sec. 56. The common council shall in the month of May in each year make out from the assessment rolls in said city, a separate list and statement of the value of all the taxable personal property, and a de-

Statement of lands in each highway district.

scription of all lots or parcels of land within each highway district in said city, inserting in a separate part of said list descriptions of lands and tenements owned by non-residents of the city, with the value of each lot or parcel set down opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part.

Proceedings
in making
estimate.

Sec. 57. In making the estimate and assessment of highway taxes, the common council shall proceed as follows:

1. Every male inhabitant in each highway district being above the age of twenty-one and under fifty, except paupers, idiots and lunatics, and other persons exempt by law from taxation for highway purposes, shall be assessed fifty cents.

2. The residue of the highway taxes shall be assessed, not exceeding ten cents upon every one hundred dollars of the valuation, shall be apportioned upon the estate, real and personal, of every inhabitant in each highway district in said city, and upon each of the tracts or parcels of land in the respective highway districts of which the owners are non-residents, as the same shall appear from the assessment roll.

3. The common council shall affix to the name of each person named in the list furnished by the supervisors, and not assessed upon the assessment roll, and also to each valuation of property within the several highway districts, the amount which such person or property shall be assessed for highway taxes, adding fifty cents to the assessment of each person between the age of twenty-one and fifty years, liable to such assessment upon the city assessment roll.

Tax list to
be made in
duplicates.

Sec. 58. The said tax list shall be made in duplicates and signed by the mayor, one of which shall be filed with the city clerk, and the other shall be put into the hands of the city marshal for collection, who shall, before receiving the same, give such security as the common council may require for the faithful discharge of his duties.

Marshal to
give notice.

Sec. 59. Whenever the said tax list shall have been delivered to the marshal with the warrant of the mayor annexed for collection, he shall give like notice, and proceed in like manner, as near as may be, to collect said tax as is hereinbefore provided for the collection of the ordinary taxes of said city.

Sec. 60. The taxes assessed and collected in each highway district shall be kept separate, and when collected the marshal shall pay the same into the city treasury, and the treasurer shall enter the respective amounts so paid in a book to be kept by him for that purpose, to the credit of the highway district from which they were collected. Taxes in each highway district to be kept separate.

Sec. 61. The moneys so collected and paid into the treasury as aforesaid shall constitute the highway fund of said highway districts in said city, and shall be applied as follows: Highway fund; how applied.

1. The street inspectors of the several highway districts, under the general supervision of the marshal, shall at all times keep the streets, bridges, culverts and drains allotted to them to oversee in thorough repair and free from obstructions; they shall report on oath to the common council, once in each month, which report shall contain an accurate statement of the amount of labor performed and the expense necessarily incurred for material, and the streets upon which the same was performed, or expense incurred, and their charges for the same:

2. The common council shall examine such report, and if satisfied of its correctness, and that the charges therein made are just and reasonable, they shall accept it and order it filed, but if they are satisfied that it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and shall allow such charges as they shall deem just and equitable; they shall then let said report lay upon the table one week, and if not withdrawn by the inspector by filing a notice in writing to that effect with the city clerk in that time, they shall accept it and order it filed as corrected by them:

3. When any such report is filed the mayor shall draw an order upon the highway fund of the district in which the repairs were made, to the amount of such charge in said report, payable to said inspector, which order shall be countersigned by the comptroller, and upon presentment, the city treasurer shall pay from the funds of such district, if there be any money in the treasury belonging to such district, and enter the same to the debit of the fund of such district, in a book to be kept by him for that purpose:

4. No money belonging to one highway district, shall be applied in payment for repairs made in any other highway district.

Books of
highway
funds to be
open for in-
spection.

Sec. 62. The books kept by the city treasurer in which the debts and credits of the highway funds are entered, shall be open at all reasonable hours to the inspection of members of the common council.

Assessm'ts
on cellars
and drains.

Sec. 63. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain, as follows, to wit: the sum of one dollar and fifty cents annually for each cellar drained directly or indirectly by a drain, into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of fifty cents annually for each lot, or sub-division of lot, being without a cellar, drained as aforesaid into any public drain or sewer; and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, drained as aforesaid; which sums, when collected, shall constitute the sewer fund, and shall be expended exclusively for the repair and construction of sewers, and the collection of the charges to individuals for drainage in this section provided, shall be enforced in such manner as the common council may by ordinance direct.

All taxes
and assess-
ments to be
lien.

Sec. 64. When any assessment for public improvements, or for any local improvements or expenses upon any ward, highway district, street, lane, alley, public sewer, or other improvement shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the city marshal for collection, the same shall be a lien upon the premises upon which the same was assessed, and the city marshal collecting such tax, shall levy and collect the same of any personal property found on the premises so assessed, or in possession of that person chargeable with such tax, and in case sufficient personal property shall not be found to levy and collect the same, the said marshal shall make return to the city clerk of the sums so remaining uncollected by him, with a description of the lots or parcels upon which such tax was assessed, and which remains unpaid as aforesaid, and thereupon the city clerk shall report the same to the alderman acting as the supervisor, or the aldermen acting as the supervisors of the several wards within which such premises are situated, and thereupon the said alderman acting as the supervisor shall assess the same upon his assessment and tax roll upon such premises, and the same shall be thereupon collected and returned, and the same proceedings had for the collection and return

thereof, and for the sale of such premises for the non-payment of such tax, as is provided by law for the collection, return and sale of premises for non-payment of the ordinary city taxes.

Sec. 65. When the marshal shall have levied any personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same, in the same manner and upon like notice, as required by law in the levy and sale of personal property for non-payment of taxes by township treasurers.

TITLE VII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

Sec. 1. For the purpose of guarding against the calamities of fire the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected; and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

Sec. 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Sec. 3. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire-buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

Sec. 4. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the clearing of chim-

Sale of personal property.

Common council may prevent erection of wooden buildings.

May require owners of buildings to have scuttles &c.

Fire buckets

Ashes, stoves and pipes, flues, &c.

neys, flues, stovepipes, and all other conductors of smoke, and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having therein any chimneys, flues, stovepipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expense thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

Other safe-
guards
against fires.

Sec. 5. The common council may regulate the use of lights and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings, and may regulate the transporting, keeping, and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fireplace, stovepipe, flue, chimney, or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

May cause
dwellings to
be examin-
ed.

Sec. 6. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fireplaces, stoves, pipes, flues, chimneys, or other conductor of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally, with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Fire engines
&c.

Sec. 7. The common council may procure, own, build, erect, and keep in repair, such and so many fire engines, with their hose and other

apparatus, engine houses, ladders, fire hooks and fire buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, reservoirs of water, as they from time to time shall judge necessary.

Sec. 8. The common council shall have power to organize said city ^{Fire department.} into so many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, four assistant engineers, twice the number of wardens as there are wards in the said city, a proper number of firemen, not exceeding fifty to each engine, such number of hook and ladder men, and such number of tub and hose men as may be appointed by the said common council; all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

Sec. 9. The common council may make rules and regulations for the ^{Regulations for fire companies.} government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

Sec. 10. The engineers and fire wardens, under the direction of the ^{Powers and duties of engineers and fire wardens.} common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook-and-ladder men, tub-and-hose men, to the common council, at stated periods to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the facts in all courts and places, on proof of the genuineness of such certificate.

Sec. 11. The common council may by ordinance direct the manner ^{Fire bells.} in which the bells in the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such

bells in such manner at any other time than during a fire or alarm of fire.

Compensation to injured firemen.

Sec. 12. The common council may provide suitable compensation for any injury that any fireman, hook-and-ladder man, or tub-and-hose man may receive, in his person or property, in consequence of his exertions at any fire.

General powers of council in relation to fires.

Sec. 13. The common council may by ordinance:

1. Prescribe the duties and powers of the engineers and wardens at fires and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires:

2. Prescribe the powers and duties of the mayor and aldermen at such fires and in cases of alarm; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistants, during any fire:

3. Provide for the removal and keeping away from such fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens or officers of the city:

4. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal and securing of property exposed to danger by fire:

5. To compel the marshal, constables and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

Arrest of person disobeying orders at fires.

Sec. 14. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or to direct orally a constable, watchman, or any citizen, to arrest such person and confine him temporarily, in any safe place, until such fire shall be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly.

Buildings may be destroyed to prevent spread of fires.

Sec. 15. Whenever any building in said city shall be on fire, it shall be the duty, and be lawful for the chief engineer, with the consent of the mayor, or any alderman, or for any two aldermen, to order and di-

rect such building, or any other building which they may deem hazardous, and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured, may, Proceedings in case building destroyed to pay owner damages. within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the common council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same in the same manner as is provided by title seven of this act, for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Sec. 16. The commissioners appointed to appraise and assess the Duties of commissioner. damages incurred by the said claimant by the pulling down or destruction of such building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

TITLE VIII.

SUPPORT OF THE POOR.

Sec. 1. The directors of the poor elected in said city, as hereinbefore Powers and duties of city poor directors. provided, shall be directors of the poor of said city, and shall possess all the powers and authority of directors of the poor of towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents, shall become chargeable to the said city, or to the county of Kent in said city; the safe keeping and care of lunatics; the care of habitual drunkards; the binding out and contracting for the service of disorderly persons; the

support of bastards; and all such other powers as are conferred on directors of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities.

Poor of city;
how sup-
ported till
otherwise
provided.

Sec. 2. Until provisions shall otherwise be made as hereinafter authorized, the indigent persons, and such others as shall be entitled to relief under the laws of this State, who are or shall become chargeable to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of Kent.

Common
council may
cause alms-
house to be
erected.

Sec. 3. Whenever the common council shall deem it expedient, they may, by a vote of two-thirds of all the members thereof, cause an almshouse to be erected within or without the city limits, being authorized thereto as herein provided, and may appoint as many commissioners to take charge thereof as they may judge necessary, and may raise the expense of the maintaining of the almshouse by a tax or taxes on the real estate within the said city, and on the personal property of residents therein, in the same manner as hereinbefore provided in respect to taxes for the general expenses of the said city, and the same proceedings for that purpose shall be had in all respects.

May appoint
officers of
alms-house.

Sec. 4. The common council shall appoint such other officers and servants for the government and management of the said almshouse as they shall deem necessary, and they, together with the said commissioners, shall hold their appointment during the pleasure of the common council; and the common council shall make such regulations as they think necessary for the government, management, support, and good order of the said almshouse, its tenants, officers, keepers and servants.

Poor may be
required to
labor.

Sec. 5. The common council may cause such labor in manufactures, or otherwise, to be performed by the tenants of such almshouse as they shall prescribe, and may provide the materials and implements therefor at the expense of the city.

Licenses, &c.
to be paid
into fund for
support of
poor.

Sec. 6. All moneys that shall be raised in the said city by licenses to grocers, tavern keepers or common victuallers, and for penalties for the violation of any law of this State regulating the retailing of spirituous liquors, shall be paid into the city treasury, and shall belong to and constitute a part of the fund of the city for the support of the poor therein, and shall be deposited for safe keeping by the treasurer as other moneys under his care; and accounts thereof shall be kept, and the same shall be drawn, in the manner hereinbefore prescribed in relation to the funds of said city.

TITLE IX.

OF COURTS OF JUSTICE.

Sec. 1. The recorder shall have full power and authority to hold and keep a court, which shall and is hereby declared to be a court of record, and known in law as and by the name of "The recorder's court of the city of Grand Rapids," and shall have an appropriate seal, which shall be provided by the recorder, and kept by the clerk thereof, who shall keep a record of the proceedings of the said court.

Recorder's court to be court of record Name. Seal.

Sec. 2. The clerk of the city of Grand Rapids shall, by virtue of his office as such, be the clerk of said recorder's court, and may appoint a deputy, who shall be authorized to perform all the duties of the clerk of said court in case of the absence or inability of said clerk, and who shall be subject to all the liabilities of such clerk.

Clerk of city to be clerk of court. Deputy.

Sec. 3. The jurisdiction of said recorder's court shall extend to, and said court shall have original and exclusive jurisdiction, and shall have power to hear, try and determine all civil actions arising in said city, wherein said city, in its corporate capacity, shall be a party, or any city or ward officer, in his official character, shall be a party; all charges, complaints, actions, and prosecutions for the recovery of any and all forfeitures and penalties for alleged violations or infringements of the acts of the legislature of this State incorporating said city except in cases where jurisdiction is especially given to some other court; all actions for alleged breaches, or violations of any of the by-laws or ordinances of said city, except in cases where, by such by-law or ordinance, jurisdiction is especially given to some other court, and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks, or other public improvements of said city; and concurrent jurisdiction in all actions wherein the title to lands shall come in question, wherein the said city, or any city or ward officer, as such, shall be a party; and said court shall also have exclusive appellate jurisdiction of all actions brought before justices of the peace to recover forfeitures or penalties for alleged violations of any ordinances of said city, or violations of this act, for the violation of which, by said ordinance or by this act, such justice of the peace has cognizance.

Jurisdiction In civil cases.

Sec. 4. Whenever either party shall demand that the cause be tried by a jury before the trial thereof shall have been commenced, and shall pay the sum of three dollars to the clerk of said court, the recorder

Jury.

Manner of striking.

shall direct the marshal or any constable of said city in attendance to make a list of names of twenty-four citizens, who shall be residents of said city, having the qualification of jurors in circuit courts of this State, from which list the plaintiff and defendant shall alternately strike out one until each shall have struck out six names; the person demanding the jury shall first strike out; and in case the said city shall be a party the city attorney shall strike on behalf of said city; if either party refuse to strike out, then the clerk shall do so in his stead under the direction of the court; and the remaining names shall constitute the jury. When no jury is demanded the cause shall be tried by the recorder.

Venire.

Sec. 5. The clerk when such jury fee shall be paid shall thereupon issue a venire, directed to the marshal or any constable of said city, commanding such officer to summons such persons named in the venire to attend said court at a time and place therein specified, to serve as juror^s.

Fine on juror for non-attendance.

Sec. 6. Any juror summoned as aforesaid who shall neglect or refuse to attend at the time and place named in such venire, shall be liable to a fine of not less than one nor more than ten dollars and costs, and may be brought before the court for that purpose by attachment issued under the seal of said court, tested by the recorder and signed by the clerk, but no such fine shall be imposed after the period of thirty days from the time he became liable as aforesaid.

Compensation of jurors.

Sec. 7. Every jury serving in any cause tried in said court shall be entitled to receive the same fees as jurors in the circuit court for similar services.

Officer to be sworn before making list.

Sec. 8. The officer shall, in all cases, before making out such list of names for jurors, be sworn to make such list without favor or partiality to either party, and in case any of the jury so summoned shall neglect or refuse to attend, or can not be found after diligent search and inquiry in said city, talesmen may be summoned from the inhabitants of said city, as in other courts of record.

Terms of recorder's court.

Sec. 9. The recorder's court shall be held on the second Monday of each month, and the terms of said court may be continued until the business is disposed of; and special sessions may be held as often as may be deemed necessary for the dispatch of business, and it shall be lawful for said recorder or clerk to administer oaths to witnesses on the

trial of a cause, to take affidavits or depositions to be read in said court under the rules and practice thereof, and to receive therefor the same fees as is allowed for similar services in the circuit court. Power of recorder, & clerk fees.

Sec. 10. The clerk of said court shall keep a journal of the proceedings of the court, under the direction of the recorder, and all entries therein shall be read in open court by the clerk, from day to day, and shall be corrected when necessary, and signed by the recorder. Clerk to keep journal

Sec. 11. The said journal shall be and remain a public record in the office of the clerk of said court, and shall be by him delivered over to his successor in office, together with the books and papers belonging to said office; and the recorder's successor in office shall be authorized to continue and complete all proceedings begun by his predecessor. Journal, public record.

Sec. 12. Any record or entry made in said journal as aforesaid, may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it may be necessary to refer thereto, either from the journal itself or from a true and certified copy thereof certified by the clerk, with the seal of the court affixed; and in all cases whenever it shall become necessary in any action or other proceeding before said recorder's court, to give evidence of a judgment or other proceeding had before said court, the original entry of such judgment or other proceeding shall be good evidence before said court. Effect of journal as evidence.

Sec. 13. It shall be the duty of the said city clerk, either in person or by his deputy, to attend every term of said court, both general and special, and he shall have the care and custody of the seal of the said court and of the records, books and papers pertaining to the office of clerk of said court, and filed or deposited therein. Clerk to attend court.

Sec. 14. The said recorder's court shall have power to take recognizance for keeping of the peace and good behavior, and for appearance before said court, or any other court, at any day or term; and full power to punish for contempt of court by fine or imprisonment, or both, but such fine shall not exceed twenty-five dollars, nor such imprisonment sixty days. Power of court in taking recognizances and in proceedings for contempt.

Sec. 15. The marshal, and so many constables as may be required shall attend the recorder's court and discharge all the duties of their respective offices; and the said marshal and other ministerial officers of said city, shall execute and return all processes issuing out of said court to them directed, in the same manner as sheriffs or other officers of courts of record in this State. Marshal and constables to attend court.

Court may
make rules
of practice.

Sec. 16. The recorder's court shall have power and authority to make all rules for the practice in such court, and may issue execution upon any judgment, fine or penalty entered by said court, and may levy and collect the amount of such judgment in the same manner as executions issued out of the circuit court for the county of Kent; such executions shall be made returnable in sixty days from the date thereof, and may authorize the taking of the body of the person against whom the execution runs; in all cases where such taking is authorized by the laws of this State on executions issuing out of the circuit or other courts in the State, or by any ordinances of the city of Grand Rapids, for the violation of which such arrest or taking is authorized.

To establish
costs and
fees.

Sec. 17. And said court shall have power, from time to time, to establish the costs and fees of all the officers of said court, which costs and fees shall not exceed those now established by the rules and practice of the circuit court of Kent county for like services, and said costs and fees shall be taken and made a part of the judgment and levied and collected therewith. The recorder shall have the following fees: for deciding a cause, on motion, two dollars; for trial, three dollars, which shall be in full for his services in such cause.

Writs; how
to run, how
tested, how
dated.

Sec. 18. All writs and process from the recorder's court shall run in the name of the people of the State of Michigan, be directed to the marshal or any constable of said city, shall bear teste in the name of the recorder, shall be sealed with the seal of said court, signed by the clerk, and dated on the day on which the same shall be issued.

Commence-
ment of
suits.

Sec. 19. Actions may be commenced in said court in the same manner as is provided by law for the commencement of suits in the circuit courts of this State, and to this end the city clerk is hereby authorized to procure the necessary books, at the expense of the city, and all provisions of law relative to trials of causes in circuit courts shall apply to said recorder's court, except as herein otherwise expressed, and actions for the recovery of penalties and forfeitures arising for violations of any of the provisions of this act, or for violations of the ordinances or by-laws of said city of which said recorder's court has jurisdiction, may be commenced and prosecuted in the same manner as is by law provided for the recovery of fines and penalties for breach of any statute of this State.

Sec. 20. Appeals may be taken to said recorder's court from any judgment of any justice of the peace elected within said city, upon any suit or prosecution for a violation of any of the provisions of this act, or of the by-laws or ordinances of said city, of which such justice has jurisdiction, by filing with the justice by whom such judgment was rendered a like affidavit and bond or recognizance, as is or may at the time by law be required on appeals in civil cases from justice to circuit courts in this State, and all such provisions of law relative to appeals from justice courts to the circuit court, shall apply, as far as practicable, to the said recorder's court. Appeals from judgments of justices.

Sec. 21. Writs of certiorari may be sued out of said recorder's court to any justice' court of said city, on any judgment rendered by such justice of the peace, in any action brought to recover a penalty or forfeiture for the violation of any provision of this act, or the violation of any by-law or ordinance of said city, in the same manner, as near as may be, and with the like effect as certioraris from circuit courts, and all provisions of law relating to certioraris from circuit courts in civil cases, shall apply as near as may be to the recorder's court, except that the allowance of such writ shall be granted by the recorder. Writs of certiorari to justices courts.

Sec. 22. In any case of appeal from any justice's court within said city, or in case a certiorari shall issue from said recorder's court directed to such justice, such justice shall make a return of the proceedings had before him, in like manner in all respects, as is by law required relative to returns from justices' courts to the circuit court in cases of appeal and certiorari.

Sec. 23. The recorder's court shall have power to hear, try and determine said appeal, and the judgment of said court shall be final, except that the same may be carried to the supreme court, in the same manner in all respects, as cases in the circuit court are taken to the said supreme court; and said recorder's court shall hear and determine all matters brought before him by writ of certiorari, in the same manner as such cases are disposed of in the circuit court. Trial of appeals.

Sec. 24. The same entry fee shall be paid the clerk of said city in causes commenced, or brought into, the recorder's court, as is required in like cases in the circuit court, except when the cause is commenced or brought into said recorder's court on behalf of the city, or a city or ward officer in his official character. Entry fee.

Removal of
causes to
supreme
court.

Sec. 25. Any cause commenced in the recorder's court, and any cause brought in said court by appeal or certiorari, and determined therein, may be taken to the supreme court of this State, in the same manner as causes removed to said court from the circuit courts of this State, by bill of exception, case made, writ of error, or otherwise.

Exemption
of jurors.

Sec. 26. Any person serving as a juror in the recorder's court in any cause pending therein shall be exempt from serving as a juror in any other cause in said court, during the same term in which he so served; and the clerk shall keep a list of such jurymen until the commencement of the succeeding term of court, when said list shall be destroyed.

Marshal to
pay over
fines and
penalties to
clerk.

Sec. 27. It shall be the duty of the marshal, or of any constable, to pay into the hands of the city clerk, immediately on the receipt thereof, all fines, penalties, and costs, imposed by said recorder's court, who shall forthwith pay the costs to the officers entitled thereto; and said city clerk shall, on or before the first of each month, pay such money into the city treasury, and he shall make quarterly reports to the common council, of all the cases disposed of in said court, stating the several entry and jury fees paid, fines and penalties imposed, the manner in which the same may have been satisfied, and the sums which he may have paid to said treasurer from time to time, as aforesaid.

Jurisdiction
in criminal
cases.

Sec. 28. The said recorder's court shall have full power and authority to hear, try and determine, according to the laws of this State, and according to the course of the common law, all such offenses and misdemeanors of which said court has jurisdiction or cognizance by this act, although no by-law or ordinance shall have been made or passed relative to such offense.

Recorder
may issue
capias for
persons
charged
with
offenses
against
ordinances,
&c.

Sec. 29. Whenever any person or persons charged with any offense supposed, by such charges, to have been committed within the limits of said city, against the provisions of this act, or in violation of any by-laws or ordinances of the said city, shall depart from, lurk or reside without the limits of said city, the recorder's court in session, or the recorder in vacation, is authorized and empowered, and it is hereby made his duty, to command the marshal or any constable of said city, or the sheriff or sheriffs of any county or counties, or any constables of any township within this State, by a writ of capias, under the seal of said court, to arrest the body or bodies of such person or persons, so

charged as aforesaid, and such person or persons have before the recorder's court, agreeably to the exigency of said writ, to be dealt with according to law; and the officer or officers to whom such capias shall be directed and delivered are hereby required to use due diligence in executing the same, under such pains and penalties as are by law incurred by any sheriff or other officers neglecting or refusing to execute any capias or other process to him or them directed and delivered; and in case the person so charged as aforesaid shall be within the limits of the county of Kent, the writs of capias may be directed to the marshal or any constable of the said city, who shall be authorized to serve the same within the limits of said county; but before such capias shall issue, such person or persons preferring the charge mentioned in this section shall file with the clerk of the court security for all the costs in case of acquittal, unless such charge is preferred by a public city officer; in which case no such security shall be required.

Officers to execute capias.

Sec. 30. The common council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, where all persons charged with, or convicted of, offenses or misdemeanors against the charter, by-laws or ordinances of said city, may be confined, imprisoned, until discharged by authority of law; and the said common council shall appoint all officers necessary for said penitentiary, prescribe their powers and duties, regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances or orders concerning the good government and regulation of said penitentiary, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

Common council may provide city penitentiary

Appoint officers and make regulations for penitentiary

Sec. 31. Any person arrested by virtue of any process issuing from any court of justice in said city, or by authority of any officer of said city, may be confined in said penitentiary, in the same manner as prisoners are or may be detained in the jail of Kent county; and any law of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said prison: *Provided*, The common council or the mayor or recorder of said city may at any time direct any or all such persons to be removed from said penitentiary to the jail of the county of Kent: *And provided also*, Such prisoners, or any of them, may at any time, in the first instance, be confined in the said county jail whenever the same

Confinement of prisoners in penitentiary

Proviso.

Proviso.

may be deemed necessary by said common council; and the keeper of said jail or penitentiary shall be allowed such compensation for keeping and providing for prisoners confined therein as the common council may determine to be just and reasonable, not exceeding the amount allowed by the supervisors of Kent county for county prisoners.

Courts may
imprison
offenders in
county jail.

Sec. 32. Until the common council shall have provided a city penitentiary as hereinbefore provided, the courts of justice in said city shall have power to imprison in the jail of the county of Kent, and it is hereby made the duty of the keeper of said jail to receive such persons as are brought to his custody by authority of any of said courts, or of the common council, or any officer of said city authorized so to commit such person, in the same manner as any court of record of this State, or other competent authority, is authorized to commit to said jail.

City justices
to be
justices for
Kent Co.

Sec. 33. The justices of the peace in the said city exercising civil jurisdiction, shall be deemed justices of the peace of the county of Kent, and shall be subject to the general laws of the State in relation to civil causes before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Kent, in the same manner as appeals from justices' judgments in towns are made.

Jurisdiction
of city
justices.

Sec. 34. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters, and shall have all the authority and perform all the duties hereinbefore provided and required of them, and shall hold a session of court daily, if necessary.

Suits to re-
cover penal-
ties, &c., to
be brought
in name of
city.

Sec. 35. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of Grand Rapids, under the direction of the common council, or of the attorney of said city, and no person being an inhabitant, freeman or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this provision of this act, or for the violation of any ordinance of the common council, nor from serving any process or summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation the said city, or any city or ward

Inhabitants
of city not
disqualified
from acting
in certain
capacities.

officer, is a party, or in which said city or such officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

Sec. 36. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the recorder's court of the city of Grand Rapids, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance, to the adverse party, shall be necessary to be executed by or on behalf of the said city. Judgments against city may be removed by appeal.

Sec. 37. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of the said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to the county jail or city penitentiary for such time as shall have been directed by the ordinance of the common council. Executions in certain cases may issue immediately.

Sec. 38. The common council may direct any moneys that may have been recovered for penalties or forfeitures, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits. Moneys received for fines, &c., may be applied in payment of extra expenses.

Sec. 39. All persons being habitual drunkards, destitute, and without visible means of support, or who being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, being complained of by such families; all able bodied and sturdy beggars who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch houses, out houses, market places, sheds, stables or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in streets, highways, passages or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace of said city, be sentenced to confinement at hard labor in the county jail or city penitentiary for any time not exceeding sixty days. Who to be deemed vagrants. Punishment of vagrants.

Who to be
deemed dis-
orderly per-
sons.

Sec. 40. All persons who shall have actually abandoned their wives or children in the city of Grand Rapids, or who may neglect to provide according to their means for their wives or children, are hereby declared to be disorderly persons within the meaning of chapter thirty-nine of title nine of the revised statutes of eighteen hundred and forty-six, and may be proceeded against as such in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case whether the conduct of such person amounts to such desertion or neglect to provide for his wife or children.

TITLE X.

PUBLIC HEALTH.

Board of
health.

Sec. 1. It shall be the duty of the common council of said city to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and a competent physician to be the health officer thereof.

Powers and
duties.

Sec. 2. The said board of health shall have power, and it shall be their duty, to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected, with such a disease; to establish, maintain and regulate a pest-house or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being, infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, or goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into, such a state as to generate and propagate disease; to abate all nuisances

of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Sec. 3. The captain, master, or person in charge of any steamboat or other craft or vessel which shall enter the city, having on board thereof any person sick of any malignant fever or other pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine or imprisonment, unless the person so diseased became so on the way, and could not be left. It shall be the duty of such captain, master, or person in charge, within two hours after his arrival, to report in writing to the mayor, or some health officer, the fact of such sick person's being on board, and the name, description and location of his craft; and he shall not permit such sick person to land or to be landed, until the board of health, or some member thereof, shall give permission for that purpose; and any neglect or violation of these provisions, or of any or either of them, shall be a misdemeanor punishable with fine and imprisonment.

Duties and liabilities of captains of vessels.

Sec. 4. The owner, driver, conductor, or person in charge of any stage-coach, railroad car, or other public conveyance, which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor, or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

Duties of persons having charge of public conveyances to report sick persons

Sec. 5. Any person who shall knowingly bring or procure or cause to be brought into the city any property of any kind, tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of misdemeanor, punishable by fine and imprisonment.

Bringing certain articles into city, misdemeanor.

Sec. 6. The board of health shall have power, by an order in writing for that purpose, to be served on the captain, master, or person in charge of any steamboat or other vessel or craft, or any owner or consignee thereof, if such boat, craft or vessel be by them suspected to

Certain quarantine regulations.

have on board any infected or diseased person or property, to require such boat or vessel not to enter the city, or to remove to some certain distance, not exceeding three miles from the city; and every such captain, master, person in charge, consignee or owner, who shall be served with such order, shall be guilty of a misdemeanor, punishable with fine and imprisonment, if such boat, vessel or craft, shall enter the city, in violation of such order, or shall not be removed according to the tenor of such order, within a reasonable time, not exceeding three hours after the service of such notice.

Inn keepers,
boarding
house keep-
ers and
physicians
to report
persons sick
with infecti-
ous diseases.

Sec. 7. Every keeper of an inn or boarding house or lodging house in the city, who shall have in his house at any time any sick traveller, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor, or some officer or member of the board of health; every physician in the city shall report under his hand to one of the officers above named the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment; the fine not to exceed one hundred dollars, nor the imprisonment six months.

Certain
fines; how
disposed of.

Sec. 8. All fines imposed under the last five sections shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

Powers of
common
council in
preserving
health and
cleanliness
of city.

Sec. 9. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, slips or cellars within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses

thereof to be estimated, assessed and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Sec. 10. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof, within a reasonable time to be fixed by the order, or immediately, as the case may require, or may immediately, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

To remove dangerous walls or buildings.

Sec. 11. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be prima facie evidence of the facts therein contained in any court, or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Board of health may appoint clerk.

His duty and compensation.

Sec. 12. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Compensation of board of health.

have on board any infected or diseased person or property, to require such boat or vessel not to enter the city, or to remove to some certain distance, not exceeding three miles from the city; and every such captain, master, person in charge, consignee or owner, who shall be served with such order, shall be guilty of a misdemeanor, punishable with fine and imprisonment, if such boat, vessel or craft, shall enter the city, in violation of such order, or shall not be removed according to the tenor of such order, within a reasonable time, not exceeding three hours after the service of such notice.

Inn keepers,
boarding
house keep-
ers and
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persons sick
with infecti-
ous diseases.

Sec. 7. Every keeper of an inn or boarding house or lodging house in the city, who shall have in his house at any time any sick traveller, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor, or some officer or member of the board of health; every physician in the city shall report under his hand to one of the officers above named the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment; the fine not to exceed one hundred dollars, nor the imprisonment six months.

Certain
fines; how
disposed of.

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Powers of
common
council in
preserving
health and
cleanliness
of city.

Sec. 9. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, slips or cellars within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses

thereof to be estimated, assessed and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Sec. 10. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof, within a reasonable time to be fixed by the order, or immediately, as the case may require, or may immediately, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

To remove dangerous walls or buildings.

Sec. 11. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be prima facie evidence of the facts therein contained in any court, or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Board of health may appoint clerk.

His duty and compensation.

Sec. 12. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of said city.

Compensation of board of health.

TITLE XI.

MISCELLANEOUS PROVISIONS.

Sureties
may be ex-
amined on
oath.

Sec. 1. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination under oath as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Common
council and
committees
may ad-
minister
oaths and
take affi-
davits.

Sec. 2. The mayor or chairman of any committee or special committee of the common council, shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee.

Perjury.

Sec. 3. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement, or affidavit, or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Double costs
may be re-
covered in
certain
cases.

Sec. 4. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Repeal of
acts.

Saving
clause.

Sec. 5. All former acts and parts of acts relating to the city of Grand Rapids, not expressly embodied in or made a part of this act, are hereby repealed; but nothing herein contained shall be construed to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be enforced in the same manner in all respects, and with the same effect, as if this act had not been passed; but nothing in this section contained shall be

so construed as to annul or impair or affect any ordinance, by-law, or resolution of said city, not inconsistent with the provisions of this act, but the same shall continue and be in force until the same are amended or repealed, as fully as though this act had not been enacted.

Sec. 6. All the officers of said city who may be in office at the pas- Present
sage of this act, shall continue to exercise the duties of their respective officers to
offices until the term for which they were elected shall have expired. continue to
discharge
duties.

The first charter election held in said city after the passage of this act First char-
shall be held in precisely the same manner in all respects as if this act ter election.
had not been passed, except that there shall be two ballot boxes instead How con-
of one furnished by the common council to each ward, in which they ducted.
shall deposit the ballots as provided in this act, and like notice of hold-
ing such election shall be given, and shall be superintended by the same
officers as is required by the acts hereby repealed.

Sec. 7. This act shall be deemed a public act, and the legislature may Public act.
at any time repeal, modify or alter the same.

Sec. 8. The justices of the peace elected and qualified under this act Justices to
shall enter upon the duties of their office on the fourth day of July en- enter on
suing, and shall hold their office four years, and at the first election after their duties
on 4th July.
the passage of this act, there shall be one justice elected in the fifth ward
and one in the first ward.

Sec. 9. The recorder's court shall possess all the power of courts of Recorder's
common law and courts of record in this State, to carry into effect the court to
possess
common
law powers,
&c.
jurisdiction and powers conferred upon it by this act.

Sec. 10. All process issued against said city shall run against said Process
city in the corporate name thereof, and such process shall be served by against city;
leaving a true and attested copy of such process with the mayor or clerk how to run;
how served.
of said city, at least ten days before the day of appearance mentioned
therein.

Sec. 11. This act shall take effect immediately.

Approved February 14, 1857.

Immediate
effect.

[No. 123.]

AN ACT to authorize the Detroit and Milwaukee railway company to issue its shares in the Kingdom of Great Britain.

May estab-
lish office in
London.

SECTION 1. *The People of the State of Michigan enact*, That the Detroit and Milwaukee railway company be and is hereby authorized to establish an office for the transfer of its shares, in the city of London or in any other place in the Kingdom of Great Britain, and may issue its shares registered in such office in the currency of said Kingdom, at the rate of twenty pounds ten shillings sterling per share of one hundred dollars; and the directors of such company may make such rules for the management of such office and in relation to the shares registered therein as they shall deem necessary.

Approved February 14, 1857.

[No. 124.]

AN ACT to cede jurisdiction to the United States of America over land to be occupied as sites of light house buildings in this State.

Preamble.

Whereas, The United States are about to direct the erection of cer-light house buildings in this State; therefore,

Jurisdiction
ceded.

SECTION 1. *The People of the State of Michigan enact*, That the jurisdiction of this State is hereby ceded to the United States of America over certain parcels of land lying and being in the State of Michigan, for the purpose of erecting light house buildings thereon, described

Description.

as follows, to wit: On the island of Mackinac, old Fort Mackinac, mouth Au Sauble river, Point Peninsula between the Bays du Noquet, Sand Point in Little Bay Du Noquet, Grand Point Au Sable, mouth of South Black river and Point (Port) Austin, or such other places in the vicinity of those above mentioned as may be designed for the purpose aforesaid: *Provided, always*, And this cession is upon the express condition that the State of Michigan shall so far retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid, that all civil and criminal process issued under the authority of this State, or any officer thereof, may be executed on said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Sec. 2. The lands above described, with their appurtenances and all buildings and other property that may be thereon, shall forever be exempted from all taxes and assessments so long as the same shall remain the property of the United States of America. Exemption from taxes.

Sec. 3. This act shall take immediate effect.

Approved February 14, 1857.

[No. 125.]

AN ACT to provide for the re-platting the village of Sturgis.

SECTION 1. *The People of the State of Michigan enact, That* William R. Haynes, William S. Stoughton, and Zabina H. Wallace, of Sturgis, St. Joseph county, be and they are hereby appointed special commissioners to survey and re-plat all those parcels of land embraced within the corporate limits of the village of Sturgis, which have at any time been platted and legally recorded in the register's office of said county, together with all lots that have been sold without being so platted and recorded; and they shall cause the whole of said lots, embraced within the corporate limits of said village, to be platted, numbered, and recorded in the register's office of said county of St. Joseph. Special commissioners appointed.

Sec. 2. Said plat, when certified under the hands of the commissioners aforesaid, and by them duly acknowledged, shall be recorded in the office of the register of deeds of the county of St. Joseph, and when so recorded said lots may, for the purpose of assessing and the collection of taxes thereon, and for the purpose of conveyancing, be known and described by the number as recorded. Plat when certified to be recorded.

Sec. 3. Said commissioners shall have no claims upon the State of Michigan for their services in making such survey, but their services shall be paid by the village of Sturgis, out of any funds belonging thereto, in such manner and for such amount as shall be directed by the common council thereof. Compensation of commissioners.

Sec. 4. In case of death, removal, sickness, or for any other cause, one or more of said commissioners shall be unable, or shall refuse or neglect to act, the commissioner or commissioners remaining shall have full power to supply, by appointment, other commissioners to fill the said vacancies that may occur; and in case any such appointment shall be Vacancy to be filled by appointment.

made, the fact shall be certified and filed in the recorder's office of said village.

Immediate
effect.

Sec. 5. This act shall take immediate effect.

Approved February 14, 1857.

[No. 126.]

AN ACT disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress approved June third (3), eighteen hundred and fifty-six (1856).

Grant of
lands by
Congress
accepted.

SECTION 1. *The People of the State of Michigan enact*, That the lands, franchises, rights, powers and privileges granted to and conferred upon the State of Michigan, by an act of Congress entitled "an act making a grant of alternate sections of land to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes, approved June third (3), eighteen hundred and fifty-six, (1856) be and the same are hereby accepted with the restrictions, and upon the terms and conditions contained in said act of Congress.

Grant to
Amboy,
Lansing and
Traverse
Bay railroad
company.

Sec. 2. So much of the aforesaid lands, franchises, rights, powers, and privileges as are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Amboy by the way of Hillsdale and Lansing, to some point on or near Traverse Bay, are hereby disposed of, granted to, conferred upon, and vested in the Amboy, Lansing and Traverse Bay Railroad Company; in like manner all the lands, franchises, rights, powers and privileges which are, or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Grand Haven to Flint, and thence to Port Huron, are hereby vested fully and completely in the

To Detroit
and Milwau-
kee railway
company.

Detroit and Milwaukee Railway Company, and in the Port Huron and Milwaukee Railway Company, in the manner following, to wit:

So much of said lands as pertain or attach to said route from Grand Haven to Owosso, in the county of Shiawassee, are hereby vested fully and completely in the Detroit and Milwaukee Railway Company, and so much of said lands as pertain or attach to said route from Owosso to Flint and thence to Port Huron, are hereby vested fully and completely

To Port
Huron and
Milwaukee
Railway
company.

in the Port Huron and Milwaukee Railway Company, to aid in the construction of the roads of said companies respectively; in like manner all

the lands, franchises, rights, powers and privileges which are, or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Pere Marquette to Flint, and thence to Port Huron, are hereby vested fully and completely in the Flint and Pere Marquette Railway Company, and in the Port Huron and Milwaukee Railway Company, according to the provisions of the act of Congress relating thereto, and the direction of the board of control hereby appointed; in like manner all the lands, franchises, rights, powers and privileges as are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Grand Rapids to some point on or near Traverse Bay, are hereby vested fully and completely in the Grand Rapids and Indiana Railroad Company; in like manner all the lands, franchises, rights, powers and privileges which are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Marquette to the Wisconsin State line, be and the same are hereby vested fully and completely in the Marquette and State Line Railroad Company; in like manner all the lands, franchises, rights, powers and privileges which are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Ontonagon to the Wisconsin State Line, are hereby vested fully and completely in the Ontonagon and State Line Railroad Company; in like manner all the lands, franchises, rights, powers and privileges which are or may be granted and conferred in pursuance of said act of Congress to aid in the construction of a railroad from Little Bay de Noquet to Marquette, are hereby vested fully and completely in the Bay de Noquet and Marquette Railroad Company; in like manner all the lands, franchises, rights, powers and privileges which are or may be granted and conferred in pursuance of said act of Congress to aid in the construction of a railroad from Marquette to Ontonagon, are hereby vested fully and completely in the Marquette and Ontonagon Railway Company. All and each of the several railroad companies mentioned in this section shall be subject to all the conditions, restrictions and obligations imposed upon them by this act as hereinafter provided.

To Flint and Pere Marquette railway company and Port Huron and Milwaukee Railway company.

To Indiana Railroad Co.

To Marquette and State line Railroad Co.

To Ontonagon and State line Railroad Co.

To Bay de Noquet and Marquette R. R. Co.

To Marquette and Ontonagon R. R. Co.

Subject to conditions and restrictions.

Sec. 3. The lands, franchises, rights, powers and privileges, hereby conferred upon and vested in said railroad companies, or either of them, shall be exclusively applied in the construction of their respective lines

Lands, &c., to be exclusively applied to construction of

- respective
roads. of railroad, as above designated, and said lands shall be applied to no other purposes whatsoever; and each and every one of said railroads, when completed, shall, in all respects, and in all its parts, be a first-class
- T rail. railroad; and the rail thereof shall be the "T" or continuous rail.
- Railroads to
be public
highways
for use of
U. S. Sec. 4. Said railroads shall be and forever remain public highways for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States; and the United States mail shall be transported over said railroads, under the direction of the post-office department, at such
- Proviso. price as Congress may by law direct: *Provided*, That until such price is fixed by law, the Postmaster General shall have the power to determine the same.
- Companies
must except
lands, &c. Sec. 5. Each and every one of said railroad companies is required, by a vote of a majority of the directors thereof, to accept the lands, franchises, rights, powers and privileges hereinbefore conferred, which ac-
- How accept-
ance to be
made. ceptance shall be embodied in a written instrument, signed by the president, and attested by the secretary and corporate seal of said company; and in such acceptance, each of said companies shall severally assent and agree to the provisions and requirements of this act, which acceptance
- To be filed
within 60
days. shall be filed in the office of the Secretary of State of Michigan, within sixty days after the passage of this act.
- Roads must
be located
by 1st Dec.,
1857. Sec. 6. It shall be the duty of each of said railroad companies on or before the first day of December next, to locate the line of its railroad, and to make complete maps of said line, and to file copies of such maps in the offices of the Governor and Secretary of State of Michigan; and it shall be the duty of the Governor, after affixing his official signature to the duplicate map of each of said roads, to file them in the department having control of the public lands in the city of Washington; said lines so located shall not be considered absolutely final, further than to fix the limits and boundaries within which said lands may be select-
- Duty of
Governor. ed, but said company shall have the right to make alterations thereof when necessary to improve said line: *Provided*, Such alteration shall not materially change or alter such road.
- Proviso.
- When com-
panies may
sell 60 sec-
tions of land Sec. 7. Each of said companies after the completion of twenty continuous miles of its railroad, and after the Governor shall have certified to the Secretary of the Interior that such twenty continuous miles of its road are so completed, then and not before, said company may sell sixty sections of

land included within any continuous twenty miles of its line of road; and in like manner upon the completion of each other twenty continuous miles, it may sell other sixty sections; and so on from time to time until the whole of its road is completed; and after the full and final completion of the entire length of its road, and the acceptance of the same by the board of control herein provided; then the company may sell the remainder of the lands hereby invested in accordance with the act of Congress aforesaid, and not before; and none of the lands hereby granted to said several companies shall be liable to taxation for seven years from the first day of September next; except such parts and parcels thereof as shall be actually sold by said several companies, pursuant to the provisions of this act, or such as shall be improved.

When companies may sell remainder.

Lands exempted from taxation.

Sec. 8. For the purpose of securing the construction of the aforesaid railroads, within the time limited and in the manner prescribed in this act, and for the purpose of properly managing and disposing of the lands appropriated to aid in the construction thereof, the Governor of the State of Michigan, together with six commissioners, to be nominated by the Governor and confirmed by the Senate, are hereby constituted a board of control of the same, whose duty it shall be to manage and dispose of such lands in aid of the construction of the aforesaid railroads, in the manner in this act provided, and to do any and all other acts necessary and proper respecting the construction and building of said railroads, which shall be prescribed by law; the Governor shall be ex-officio the president of the said board; the commissioners shall hold their office from the time of their appointment until the fourth (4) of March, eighteen hundred and sixty-one; any vacancies that may occur between the sessions of the Legislature, by death, resignation or otherwise, shall be filled by the Governor until the first meeting of the Legislature after such vacancy shall occur. The commissioners shall receive five dollars a day and necessary expenses, for each day that they shall be actually employed in the duties of their office; the amount of such allowance and expenses shall be apportioned among the different companies in such manner as the board shall deem equitable, and shall be paid by the several companies from time to time as the board may direct.

Board of control.

Duty of board.

Governor to be president of board.

Term of office.

Governor to fill vacancies.

Compensation of commissioners.

Sec. 9. If it shall appear that the lands that have been donated by the act of Congress aforesaid for the construction of said lines of said

railroad, cannot be obtained by any or either one of said railroad companies, within the limits of six miles on either side of its railroad line, the Governor shall from time to time appoint agents, upon the nomination of the presidents of the respective companies, to make such selection as may be authorized or granted by Congress for the line thereof; but the compensation of said agents, and the costs, expenses and reasonable charges attendant and occasioned by making such selections shall be paid and borne by the said company: *Provided, however, That* the compensation of agents shall not exceed five dollars a day besides necessary expenses.

Governor to appoint agents to select lands

Compensation of agents and expenses to be borne by companies.

Proviso.

Lands in certain cases may be selected in other parts of the line of road.

Proviso.

Proviso.

Sec. 10. If it shall further appear that upon any part of any of the aforesaid lines of railroad, the lands have been so far sold or pre-empted as that there does not remain within any continuous twenty miles of any one of said roads, and within the lateral limits of fifteen miles on either side thereof, the amount of one hundred and twenty sections of land, of which the said company can become possessed according to the provisions of the act of Congress aforesaid, then, and in that case, the agent or agents appointed as aforesaid, may select for the benefit of said company, the complement of the said one hundred and twenty sections, upon any other part of the line of their road: *Provided, however, That* in making such selection they shall be confined to twenty continuous miles: *And provided, moreover, That* such lands thus selected shall in every such case be not less than six miles nor more than fifteen miles from the line of said road, on either side thereof.

Board of control may confer lands upon other parties in certain cases

Sec. 11. Should either of said railroad companies fail to accept said lands on the terms of this act, within sixty days, or fail to make the survey and maps by the first day of December next, or fail to construct its entire line of road or any part thereof, in the time and manner required, in such case said board of control shall have the power, and it is hereby made their duty, to declare said lands, so far as they have not been sold in good faith, forfeited to the State, and said board of control are hereby required to confer said lands upon some other competent party, under the general regulations and restrictions of this act.

Railroad companies to be subject to laws of State.

Sec. 12. All of said railroad companies shall at all times and in all matters, be subject to the laws of this State, and to such rules and regulations as may from time to time be enacted and provided by the Legislature of the State of Michigan, in regard to the management and

disposition of the said lands, not inconsistent with the provisions of this act, and the act of Congress making said grant of land to this State, and they shall be entitled to all the immunities and privileges conferred by said laws: *Provided*, That nothing herein contained shall be so construed as to relinquish the right of the State to any specific tax imposed upon any railroad company within this State. Proviso.

Sec. 13. It shall be the duty of each of said railroad companies to make a regular annual report of the proceedings of said company at the usual time and place of electing officers, exhibiting a detailed statement of the amount of all expenditures, work, liabilities, means, etc., a copy of which shall be filed in the office of the Secretary of State, and such other reports to the board of control as said board shall from time to time require. Annual report of companies.

Sec. 14. The right of way, not exceeding six rods in breadth, through any of the unimproved lands belonging to the State of Michigan, is hereby granted to each of the aforesaid companies, and it shall be lawful for the aforesaid board of control, at its discretion and upon such terms as they shall deem proper, to grant to any or either of said railroad companies, the right to enter by its workmen and employees upon any lands of this State so owned or held in trust as aforesaid, for the purpose of procuring earth, gravel or other material necessary for the construction of their respective roads, maintaining, repairing and rebuilding the same; and the board of control may also grant to said railroad companies any lands owned or held in trust by said State, which said railroad companies may need and require for depots, grounds and other structures necessary and proper for the use of and maintenance and operation of their aforesaid railroads, upon such terms as such board of control shall deem reasonable and proper. Right of way thro' lands of State granted.

Sec. 15. Whenever by the crossing of the several lines of railroad herein provided for, or by their running within less than thirty miles of each other, or from any other cause conflicting interests or claims shall arise between any of the aforesaid companies in the selection of their lands, such conflicting claims shall be settled by the board of control herein provided for, whose decision shall be final in all such cases. Conflicting interests to be settled by board of control.

Sec. 16. Said railroad companies shall take said grants of lands with the conditions imposed, and incumbrances specified in this act, and shall in no court have any claim or recourse whatever upon the State of Mich- Companies to have no claim against State.

igan for a misapplication of said grants, or for any of the incumbrances or conditions in this act imposed.

Fully paid
stock not to
be issued
till fully
paid.

Sec. 17. Said railroad companies shall not issue any railroad shares in the capital stock thereof, as fully paid stock, until the same shall have been thus paid in cash or its equivalent, dollar for dollar; and should any officer ~~of~~ any of said companies issue any such shares, knowing the same to be in violation of the provisions of this section, upon conviction, such officer shall be deemed guilty of a misdemeanor, and shall be fined in any sum not over ten thousand dollars, and be imprisoned at hard labor in the State prison for any length of time not more than ten years, and all such shares of stock, issued in violation of this section, are hereby declared to be fraudulent and void, except it be issued for the purchase of property, materials, or equipments for said railroads.

Punishment

Exception.

Marquette
and State
line railroad
company
may purchase
Iron
Mountain
railway.

Sec. 18. The Marquette and State line railroad company shall have power to purchase the railroad, rights and franchises of the Iron Mountain railroad company, and the railway, rights and franchises of the Iron Mountain railway company, on such terms as may be agreed upon; and on the consummation of such purchases, they shall become possessed thereof to the same extent that they are now possessed by said companies.

20 miles per
year to be
constructed

Sec. 19. Each and every one of the aforesaid railroad companies shall complete and put in good running order at least twenty continuous miles of its road, during each year from and after the first day of December next, and shall complete the entire length of its road within seven years from the fifteenth day of November next, except the railroads in the upper peninsula herein named; and as to these, each and every one of them shall complete the first twenty miles of their several roads within three years from the first day of December next, and the entire lines of their several roads within the time above limited. So much of

Exception.

Amboy,
Lansing and
T. Bay R.R.
Co. to complete
certain
portion of
its road by
1st Nov.,
1859.

the Amboy, Lansing and Traverse Bay railroad as shall lie between Hillsdale and Lansing, and between Lansing and the point of intersection of said road with the Detroit and Milwaukee railroad, shall be completed, fully and entirely, and put in readiness for a train of cars, on or before the first day of November, eighteen hundred and fifty-nine; and said Amboy, Lansing and Traverse Bay railroad company shall build and finish at least twenty continuous miles of its road each year thereafter, until the whole of its line is completed: *Provided, always, That*

Proviso.

the entire length of its road from Amboy to some point on or near Traverse Bay shall be finished by the first day of November, eighteen hundred and sixty-five: *Provided, also,* That said Amboy, Lansing and Traverse Bay railroad company shall locate their depot buildings at Lansing within twenty rods of a line drawn (due) east or west of the "capitol square," situate on section sixteen in the township of Lansing. Location of depot buildings at Lansing.

Sec. 20. In consideration of the grants of land and other privileges hereby conferred on each of the several railroad companies mentioned and named in section two of this act, the said several railroad companies are hereby required, within sixty days from and after the first day of each and every year, to pay into the treasury of this State, as a specific annual tax, one per cent. upon the cost of the road and its equipments and appurtenances, of whatever kind; and it shall be lawful for the legislature of this State, in their discretion, after ten years, to impose upon either or each of said railroad companies the payment of a further tax upon the gross or total earnings of such road of not exceeding two per cent.; which said above several taxes shall be in lieu of all other taxes to be imposed within this State: *Provided,* That the provisions of this section shall not apply to railroad companies in the upper peninsula of this State until after ten years from the passage of this act: *Provided, also,* That the aforesaid additional tax of two per cent. shall be imposed upon the Detroit and Milwaukee railway company, and the Port Huron and Milwaukee railway company, only in proportion to the amount of land which they shall respectively receive in comparison with the quantity of lands received by the other railroad companies; which proportion shall be settled by the board of control. Specific tax. Proviso.

Sec. 21. All the roads constructed under the provisions of this act shall be the same breadth of guage with the Central and Southern railroads of this State, except the railroads in the upper peninsula. Breadth of guage. Exception.

Sec. 22. All companies operating roads under the provisions of this act shall keep and maintain all their principal offices within this State. Principal offices to be kept in this State.

This act is ordered to take immediate effect.

Approved February 14, 1857.

[No. 127.]

AN ACT to organize the township of Isabella, in the county of Isabella.

First township meeting to be held at the house of Chas. A. Jefferies.

SECTION 1. *The People of the State of Michigan enact*, That the surveyed townships described as townships fifteen and sixteen (16) north of range three west, and townships thirteen, fourteen, fifteen and sixteen north of ranges four, five and six west, in the county of Isabella, be and the same are hereby organized into a township by the name of Isabella; and the first township meeting therein shall be held at the house of Charles A. Jefferies, on section six, town fourteen north of range four west in said county.

This act is ordered to take immediate effect.

Approved February 14, 1857.

[No. 128.]

AN ACT for the incorporation of musical societies.

Musical corporations may be organized.

SECTION 1. *The People of the State of Michigan enact*, That corporations may be organized under the provisions of this act for the instruction of vocal and instrumental music, and the giving of public vocal and instrumental concerts, subject to the provisions hereinafter set forth.

Five or more persons may execute articles of agreement to be filed and recorded in office of Secretary of State and in County clerk's office

Sec. 2. That any five or more persons, who may desire to become incorporated for the purpose set forth in section one, may execute under their hands and acknowledge before some person within this State, authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county or counties in this State, in which the office of said association, for the transaction of business, may be located; and upon the execution and acknowledgement of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purposes set forth in such articles.

Signers to be body politic and corporate.

Sec. 3. The articles of such association shall contain:

1. The names of the persons associating in the first instance, and their places of residence: Articles of association; what to contain.

2. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years:

3. The objects for which it is organized, which shall be stated with convenient certainty and expressly:

4. The number of its directors and regular officers, and the time and place for holding its annual meeting:

5. The terms and conditions of membership therein.

Sec. 4. The officers (affairs) of said corporation shall be managed by not less than five or more than twenty directors, to be chosen for such period and in such manner as the by-laws of such corporation shall provide, and who shall hold their offices until their successors are chosen. The officers may be chosen, and the by-laws of such corporation adopted, and changed by the directors, as the articles or by-laws may prescribe; a majority of the directors shall be a quorum to transact business; all of such directors shall be residents of the State of Michigan. Directors; how chosen. Powers of directors.

Sec. 5. No such corporation shall have power to take or hold any real estate, except such as may be necessary for the transaction of its business, for a longer period than thirty years. Not to hold real estate for more than 30 years.

Sec. 6. All the funds received by such corporation shall be used in the first instance or shall be invested, and the income thereof used, after paying necessary expenses, for the exclusive purpose set forth in the articles of association; and no portion thereof shall be used for any such purpose, except within the State; and no portion of the funds of any such incorporation shall be used or contributed towards the erection, completion or furnishing of any building not owned or used by said corporation. Such corporation may take by gift, purchase or devise, property (exclusive of that actually used and necessary for the transaction of its business) to an amount not exceeding fifty thousand dollars; and it shall be lawful to invest the same upon mortgage, or in or by loan on railroad stocks or bonds, or any city, county, or government securities, or deposit it at some bank, or with any broker in this State: *Provided*, That any such corporation may, in its articles of agreement, specify the kind of securities in which its funds shall be invested; and that no part of its funds shall be invested in any securities How funds to be used. May take property by gift, purchase or devise, to an amount not exceeding \$50,000.

other than those named in its articles, or where the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act.

Proviso.
No two to
have same
name.

Sec. 7. No two such associations incorporated under this act shall transact business under the same name.

Specific tax
to be paid to
State.

Sec. 8. Every association organized under the provisions of this act shall pay to the State Treasurer, on or before the second Monday of January in each year, during its corporate existence, one per cent. upon its capital actually invested, deducting the real estate held by such association; which amount shall be in lieu of all other taxes or assessments. All real estate owned by such association may be taxed as other real estate in the city, village or township where the same may be situated.

Sec. 9. This act shall take immediate effect.

Approved February 16, 1857.

[No. 129.]

AN ACT to provide for laying out and establishing a State road in the counties of Huron and Tuscola.

Commis-
sioners : p.
ointed.

SECTION 1. *The People of the State of Michigan enact, That S. S. Robinson and Samuel Lowder, of Huron county, Fredrick Schilling and Patrick McGlone, of Tuscola county, be, and the same are hereby appointed commissioners to lay out and establish a State road commencing at a settlement near or at the mouth of Pigeon river in the county of Huron, thence on the most eligible route to the village of Sebewaing, in the township of Auchville, in the county of Tuscola; thence on the most eligible route to the village of Watrous ville, in said county; thence on the most direct and eligible route to the Cass River in town twelve (12) north, of range eight (8) east, and county of Tuscola.*

Route of
road.

Duties of
commis-
sioners in
laying out
road.

Sec. 2. It shall be the duty of the first two named commissioners to lay out and establish that part of said road running from Pigeon river to Sebewaing, and it shall be the duty of the last named two, to lay out and establish that part of said road running from Sebewaing to the Cass river; and it shall further be the duty of the several commissioners herein specified, to cause a description of said road to be filed with the township clerk of each of their respective townships on the line thereof, so far as said road shall run through each of the respective townships,

whose duty it shall be to record the same, and such record shall be prima facie evidence of the existence of said road.

Sec. 3. The right of way for such road through any lands belonging to the State, be and the same is hereby granted and confirmed to the townships in which such lands shall be. Right of way thro' lands of State granted.

Sec. 4. The State shall not be liable for any expenses incurred, or damages sustained by reason of this act; and in case said road shall not be laid out and established within two years from the passage of this act, the provisions herein contained shall be void. State not to be liable for expenses.

Sec. 5. In case any of said commissioners shall neglect or refuse to serve as (such,) the county treasurer of the county in which such vacancy may occur, shall have power to appoint commissioners to fill such vacancy, and upon such application in writing made by five freeholders resident citizens of the township in which such commissioners did reside, shall proceed at once or without unnecessary delay, to appoint a commissioner to fill such vacancy; the commissioner so appointed shall have the same power as the commissioner appointed by this act. Vacancies; how filled.

Sec. 6. The commissioners shall be paid each the sum of one dollar and fifty cents per day for their services, and the same shall be paid by their respective townships: *Provided*, No township shall pay to said commissioners for any services or time rendered in any other township. Compensation of commissioners.

Sec. 7. The commissioners appointed by this act, may make application to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be when private property is taken for said road, to ascertain the necessity for taking such property, and appraise the damage thereon, if any is claimed, and the necessity for taking such property and the compensation therefor, shall be certified to in writing by said commissioners, and the certificates filed in the office of register of deeds for the county in which such land is situated. Proceedings when private property is to be taken.

Sec. 7. This act shall take immediate effect.

Approved February 16, 1857.

[No. 130.]

AN ACT to organize the county of Iosco.

County of
Iosco shall
be organiz-
ed.

SECTION 1. *The People of the State of Michigan enact*, That the county of Iosco shall be organized, and the inhabitants thereof entitled to all the rights, privileges and immunities to which, by law, the inhabitants of other organized counties of this State are entitled.

Election of
county offi-
cers; when
to be held.

Sec. 2. There shall be elected in said county of Iosco, on the first Tuesday in July next, all the several county officers to which, by law, the said county is entitled; and said election and canvass shall, in all respects, be conducted and held in the manner prescribed by law for (holding)

Proviso.

elections and canvass for county and State officers: *Provided*, That the canvass shall be held on the Monday next following said election; and said county officers shall immediately be qualified and enter upon the duties of their respective offices, and their several terms of office shall expire at the same time that they would have expired had they been

Proviso.

elected at the last general election: *And provided further*, That until such officers are elected and qualified, the proper officers of the county of Saginaw shall perform all the duties appertaining to the said county of Iosco, in the same manner as though this act had not been passed.

Board of
canvassers.

Sec. 3. The board of canvassers under this act shall consist of the presiding inspectors of election from each township in said county, who shall organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers as in ordinary cases of election for county officers.

Jurisdiction

Sec. 4. The county of Iosco shall have concurrent jurisdiction upon Lake Huron and Saginaw Bay, with the other counties contiguous thereto.

Township
of Tawas.

Sec. 5. All that part of the county of Iosco which is included in towns twenty-one and twenty-two, in the several ranges, shall be organized as a separate township by the name of Tawas (Tawas), and the first township meeting held therein shall be held on the first Tuesday of July next, at the office of Gideon O. Whittemore.

Sable.

Sec. 6. The residue of the county of Iosco shall be organized into a separate township by the name of Sable, and the first township meeting therein shall be held on the first Tuesday of July next at Sable settlement, at the store of Henry Dugget.

Sec. 7. The county seat of said county shall be established by the County seat. board of supervisors at Ottawas Bay.

Sec. 8. The inspectors of election for township officers, shall also be Township and county inspectors. inspectors of election for county officers.

Approved February 16, 1857.

[No. 131.]

AN ACT to organize the townships of Blackman and Summit, in the county of Jackson.

SECTION 1. *The People of the State of Michigan enact, That* Township of Blackman. all that part of the township of Jackson, in the county of Jackson, lying in town two south of range one west, and not included in the limits of the city of Jackson, be and the same is hereby set off from the residue of said township, and organized into a separate township by the name of Blackman; and the first election for township officers in said First township meeting. township shall be held at the house now occupied by George W. Woodworth, in said township.

Sec. 2. That all that part of the present township of Jackson lying Township of Summit. in town three south of range one west, and not included in the city of Jackson, be and the same is hereby erected and organized into a separate township by the name of Summit; and the first election shall be First township meeting. held at the school-house near the present residence of Curtis Wheelock, in said township.

Sec. 3. This act shall take immediate effect.

Approved February 16, 1857.

[No. 132.]

AN ACT to amend an act entitled "an act relative to the rights of married women."

SECTION 1. *The People of the State of Michigan enact, That* sec- Sections 3 & 4 amended. tions three and four of an act entitled "an act relative to the rights of married women," approved February thirteenth, eighteen hundred and fifty-five, be amended so as to read as follows:

"Sec. 3. Actions may be brought by and against a married woman Actions may be brought by in relation to her sole property, in the same manner as if she were un-

and against
married
women.

married, and in cases where the property of the husband cannot be sold, mortgaged or otherwise encumbered, without the consent of his wife, to be given in the manner prescribed by law, or when his property is exempted by law from sale on execution or other final process issued from any court against him, his wife may bring an action in her own name with the like effect as in cases of actions in relation to her sole property as aforesaid."

Husband
not liable
upon con-
tract of wife
in relation
to sole
property.

"Sec. 4. The husband of any married women shall not be liable to be sued upon any contract made by such married women in relation to her sole property, and the wife shall be liable to be sued upon any contract or engagement made by her in cases where her husband is not in law liable, or where he refuses to perform such contract or engagement, and in any case herein authorized, the cause of action shall be deemed to have accrued from and after the passage of this act.

Sec. 5. This act shall take immediate effect.

Approved February 16, 1857.

[No. 133.]

AN ACT appropriating certain highway taxes for the improvement of a State road in the counties of Montcalm and Mecosta.

Certain
highway
taxes appro-
priated.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of improving a highway from the village of Greenville, Montcalm county, to the Big Rapids, on the Muskegon river, in town fifteen north, of range number ten west, all of the non-resident highway tax that shall be assessed upon the non-resident lands, the half or more of any legal sub-division of which lies within one mile each way from the center of said road, be and the same are hereby appropriated for the construction and improvement of such highway, for the period of five years from the time this act shall take effect, to be expended as hereinafter provided.

Special com-
missioners
appointed.

Sec. 2. That Stephen Rossman, of Greenville, and Jason W. Canfield, of Fairplains, both of the county of Montcalm, and Jesse C. Shaw, of the county of Mecosta, be and they are hereby appointed special commissioners whose duty it shall be to superintend the expenditure of such sums of money as may from time to time be collected and received by them, for the benefit and improvement of said road, and to direct and

determine the manner in which said labor shall be applied: *Provided*, Proviso. That all moneys collected in the counties hereinbefore mentioned, shall be expended within the limits of each county wherein the same may have been collected.

Sec. 3. Any overseer of highways within such township, or any township treasurer thereof, having received any portion of such tax, by way of commutation shall on demand of such special commissioners, or either of them, pay over to them any sums so received, and the receipt of such commissioners, or either of them, shall release such overseer or treasurer from any further liabilities therefor. Overseers of highways to pay over moneys.

Sec. 4. That said commissioners may receive donations and subscriptions for the benefit of said highway, and shall cause the same to be faithfully applied to the improvement thereof, and may sue for and recover any or all subscriptions thereto, in their own name, or either of them. Commissioners may receive donations, &c.

Sec. 5. It shall be the duty of such special commissioners to render to the board of supervisors of each county at their annual session, a true account of the application and disbursement of all moneys they may have received in such counties respectively, in each year. Report to board of supervisors.

Sec. 6. Before the said special commissioners shall draw any money from the treasuries of the aforesaid counties by virtue of this act, the commissioners so drawing shall give a bond to the treasurer of the proper county or counties, with one or more sureties, in double the amount so to be drawn, conditioned for the faithful performance of their duties as such commissioners, which bond shall be approved by such treasurer, and be filed by the clerk of the proper county. Commissioners to give bond before drawing money.

Sec. 7. The special commissioners shall receive as compensation for their services one dollar and fifty cents per day while actually engaged in the service of said road, which amount shall be audited and allowed by the board of supervisors of Montcalm county, and paid out of the fund created by this act, and the said board of supervisors shall require said special commissioners to verify their account by affidavit. Compensation of commissioners.

Sec. 8. In case either of the special commissioners shall neglect or refuse to serve as such, or if any vacancy shall occur by death, removal or otherwise, the county treasurer, sheriff and prosecuting attorney of the county in which such vacancy may occur shall have power to appoint commissioners to fill such vacancy; and on application in writing, Vacancies; how filled.

made by five freeholders, resident citizens of the township in which such commissioner did reside, such officers so receiving such application shall proceed at once, or without any unnecessary delay, to appoint a commissioner to fill such vacancy. The commissioner so appointed shall be required to give bonds in the like manner and have the same powers as the commissioners appointed by this act, and the officers making such appointment shall cause a record of the same to be made in the office of the county clerk of said county.

Approved February 16, 1857.

[No. 134.]

AN ACT relative to suits at law in cases affected by proceedings in chancery.

Time in which cases pending in chancery not to be computed in certain cases at law.

SECTION 1. *The People of the State of Michigan enact*, That the time during which any case in chancery, commenced by any debtor, has or may be pending and undetermined, shall not be computed as constituting any part of the period limited or prescribed by any statute of limitation in force at the time of the commencement of such case in chancery, prescribing the time within which an action in relation to the debt or subject matter in dispute, as set forth in the proceedings in such case in chancery, should or might be commenced.

Approved February 16, 1857.

[No. 135.]

AN ACT to authorize the business of banking.

Persons may associate.

Capital stock to be not less than \$50,000

Three-fourths of stock may be invested in public stocks.

SECTION 1. *The People of the State of Michigan enact*, That any person or number of persons may associate to establish offices of discount, deposit and circulation, upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such association shall not be less than fifty thousand dollars. Three-fourths of the capital stock of any bank may be invested in public stocks, as security for its circulating notes. No bank shall take, as security for any loan or discount, a lien on any part of its capital stock, but the same security, both in kind and amount, shall be

required of shareholders and of persons not shareholders; and no bank shall be the holder or purchaser of any portion of its capital stock, or of the capital stock of any other incorporated company, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, on security which at the time was deemed adequate to insure the payment of such debt, independent of any lien upon such stock; and stock so purchased shall in no case be held by the bank so purchasing for a longer period of time than six months, if the same can be sold for what the stock cost, or at par.

Bank shall not take lien as security on its own capital stock nor hold its own or other capital stock.

Sec. 2. Such person or persons, under their hands and seals, shall make a certificate in writing, which shall specify:

Certificate; what to specify.

1. The name assumed to distinguish such association, and to be used in all its dealings:

2. The place where the operations of discount and deposit of such association are to be carried on, designating the particular county, city, town or village, at which place such person or association shall keep an office for the transaction of its business and for the redemption of its circulating notes:

3. The amount of the capital stock of such person or association, and the number of shares into which the same is divided:

4. The name and place of residence of the shareholders, and the number of shares held and owned by each of them respectively:

5. The period at which such association shall commence and terminate, and which period shall not exceed thirty years:

6. The names and place of residence of the several directors and officers, and the number of shares of the capital stock of such association owned and held by each of such directors and officers; which certificate shall be proved or acknowledged and recorded in the office of the register of deeds of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State.

Sec. 3. The certificate required by the last preceding section, to be recorded in the office of the register of deeds of the county, and filed in the office of the Secretary of State, as aforesaid, or copies thereof duly certified by either of said officers, may be used as evidence in all courts and places, for and against such person or association.

Certificate may be used as evidence.

Sec. 4. Such association, when so organized, shall have power to

Powers of

denomination than one dollar, nor unless such bill or note shall be made payable on demand, and without interest.

State Treasurer to appoint registers.

Sec. 28. The State Treasurer shall appoint one or more registers to countersign and register in a book, to be kept for that purpose, all circulating notes issued under the provisions of this act, who shall hold his office during the continuance of said treasurer in office, unless sooner removed by said treasurer; and such register or registers shall take the constitutional oath of office, and execute a bond to the people of this State in the penal sum of ten thousand dollars, with responsible sureties, conditioned for the faithful discharge of his duties as such register under this act, which bond shall be approved by the State Treasurer, and be filed with the Secretary of State; such register shall receive an annual salary of eight hundred dollars.

Term of office.

Oath of office.

Bond.

Salary.

Banking not to be commenced until deposit made.

Sec. 29. No person or individual banker shall commence the business of banking under this act until he shall have deposited with the treasurer the securities required by law, to the amount at least of twenty-five thousand dollars.

Proceedings of treasurer when securities become insufficient.

Sec. 30. Whenever the securities deposited for the redemption of the circulating notes of any association or individual shall, in the opinion of the treasurer, become insufficient for the purpose, he may revoke the power of attorney heretofore mentioned, receive the interest or dividends on the stock so deposited, and shall retain the same in trust for the association or individual to whom the same may belong, until said interest or dividends so received, when added to the securities so deposited shall be deemed sufficient security for such circulating notes; or said treasurer may immediately give notice thereof to the president or cashier of such association, or to such individual banker, who shall forthwith return to said treasurer an amount of circulating notes, so countersigned, equal to the depreciation of such stock.

Joint committee of legislature to examine treasurer's accounts, securities, books and papers.

Sec. 31. It shall be the duty of the joint committee of the legislature chosen to examine the treasurer's accounts, to examine such of the securities deposited in the treasurer's office by banking associations and individual bankers, together with the books and papers therein, relating to the business of banking, as the said committee may deem necessary, to enable them to report the true state and condition of the department to the legislature.

Sec. 32. All fees for protesting the circulating notes issued by any banking association or individual bankers shall be paid by the person ^{Fees of protest; by whom paid.} procuring the services to be performed for which such association or banker shall be liable, but no part of the securities deposited by such association or banker shall be applied to the payment of such fees.

Sec. 33. Every banking association and individual banker, carrying on banking business under or by virtue of the provisions of this act, shall at all times be subject to the inspection and supervision of the State Treasurer. ^{Banks subject to inspection of treasurer.}

Sec. 34. In case any of the associations or individual bankers shall refuse to submit its books and papers to the inspection of said treasurer, or whose officers shall refuse to submit to be examined upon oath touching the concerns of such association or individual banker, or if any of them shall be found to have violated any law of this State, binding upon such association or individual banker, he or they shall be liable to be proceeded against by such treasurer, in the same manner and with like effect as any incorporated bank may be proceeded against for a violation of its charter. ^{Proceedings when banks refuse to submit to inspection.}

Sec. 35. Any association (associate) or shareholder in any such association may, in respect of any demand which he may have, either solely or jointly with any other person against such association, commence and prosecute, either solely or jointly (as the case may be), any action, suit or proceeding in law or equity against such association for the recovery thereof; and such association may commence and prosecute any action, suit or other proceeding in law or equity, against any person or persons who may be or who have been an associate or shareholder of such association, either alone or jointly with any other person or persons against whom such association may have any demand whatever. All such suits or proceedings by or against such association shall be conducted and have the same legal effect as if such association (associate) or shareholder had never been a member of such association. Nor shall any action or suit be in any way affected by reason of the plaintiffs or defendants, or any other person who may be in any way interested in said action, being or having been a shareholder or associate of such association; nor shall it be necessary in any process, pleading or proceeding, in behalf of or against any such association, to name the individuals composing the same. ^{Shareholders may commence suit against association. Vice versa.}

Proceedings
upon relin-
quishing
banking
business.

Sec. 36. When any individual banker or association, desirous of relinquishing the banking business, shall have redeemed at least ninety per cent. of their circulating notes, and shall produce to the treasurer a certificate of deposit to his credit in such bank as he shall approve, or shall pay to said treasurer an amount equal to the circulating notes of such bank unredeemed, it shall be lawful for said treasurer to receive the same and to give and transfer all the securities theretofore deposited by such banker or association, for the redemption of circulating notes issued.

It,

Sec. 37. Such bank or association, after having complied with the provisions of the preceding section, may give notice once in each month, for two successive years, in some newspaper published or printed in the city of Detroit, and also in at least one newspaper printed in the county, if there be one, where such association or bank shall have been located, that all circulating notes issued by such association or bank must be presented at the treasurer's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association; and on receiving satisfactory proof of the giving such notice for the time aforesaid, the treasurer shall surrender to the order of the said association or bank, any securities or moneys which he may hold for the redemption or payment of any unredeemed notes of such association or bank.

Foreign
bills may be
put in cir-
culation.

Sec. 38. Nothing in this act contained shall be so construed as to prevent any association or individual banker, organized under this act, from making, issuing, or putting in circulation, bills of exchange on foreign countries, or places beyond the jurisdiction or limits of the United States; which bills of exchange may be made payable at or with the customary usance, and at or within ninety days sight; but no such draft or bill of exchange shall be used or put in circulation as money by any such bank or banking association.

Share books
to be kept.

What to
contain.

Sec. 39. A book shall be provided and kept by every association and individual banker, organized under the provisions of this act, in which shall be entered the names and residences of the stockholders or shareholders in such association, the number of shares held by each, the time when each person became such stockholder or shareholder, every registered transfer of stock or shares upon the books of the association or bank, the time when any stock or share was transferred, the name of

the assignee or assignees, with his or their residence, and the number of shares transferred; the said books shall be, at all times during the usual hours of transacting business, subject to public inspection. A neglect ^{To be subject to inspection.} to provide and keep such book, ready for examination as herein provided, shall subject the association or bank whose duty it is to provide and keep the same to a penalty of one hundred dollars for every day's ^{Penalty for neglect.} neglect; and a refusal, by any officer of such association or bank, to exhibit such book to any person demanding the inspection thereof, shall subject such officer to a penalty of fifty dollars. The said penalties may be sued for and recovered, with costs, by any person who will prosecute ^{How recovered.} for the same, in the name of the people of the State, and shall be exclusively applied to the support of the township libraries in the county where such penalties shall be recovered. In all actions, suits and proceedings under this act, the said book shall be presumptive evidence of ^{Share book evidence.} the facts therein stated. Any person or association, making, directing or consenting to any false entry in such book, or in any other book of ^{Punishment for false entry.} such banker, shall, upon conviction thereof, be sentenced to imprisonment in the State prison not less than one nor more than three years.

Sec. 40. Upon the return of an execution against the property of ^{Upon return of execution unsatisfied, stockholders may be sued} any association or individual banker, organized under the provisions of this act, unsatisfied in whole or in part, the judgment creditor may sue and prosecute any officer or stockholder, or any number thereof, in any court having jurisdiction of such action, and may recover against such officer, stockholder, or any number thereof, the amount due him upon any judgment he or they shall have recovered against such association or bank, with costs, and may have execution thereof against the private property of such officer, stockholder or individual banker, as in other cases; and every officer and stockholder of such association or bank, shall be individually liable for all debts, dues and demands, contracted during the time of their being officers and stockholders of such association or bank. But in case of any amendment of the constitution of this State, lessening or qualifying such liability, the stockholders or officers of any such bank shall become entitled to the privileges of such amendment.

Sec. 41. A judgment rendered against any officer or stockholder, or ^{Judgment against officers or stockholder not a bar.} any number thereof, shall not be a bar to a prosecution or suit against any other officer or stockholder of such association or bank, for the recovery of the same indebtedness.

by such person or association will be redeemed out of the trust funds in his hands for that purpose:

Treasurer
may sell
stocks.

1. The State Treasurer is authorized and required to sell at public sale in New York city or at private sale, within twenty days, so much of any stocks deposited with him, as shall be necessary to redeem any notes of said bank, whether protested or not.

Treasurer
to apply
proceeds of
sales to the
payment of
notes.

2. And the treasurer shall be required to apply the proceeds of the sales of said trust funds, belonging to the maker or makers of such protested notes to the payment, pro rata, of all such circulating notes, whether protested or not, put in circulation by the maker or makers of such protested note or notes, pursuant to the provisions of this act, and to adopt such measures for the payment of such notes as will, in his opinion, most effectually prevent loss to the holders thereof.

Stock not to
be sold at
less than
par, nor at
less than
market
value nor on
credit.

3. No stock shall be sold at private sale for less than the par value thereof, nor for less than the market value in the city of New York, at the time of such sale, nor shall the stock be sold on credit; and for any deficiency in the sale of said stocks to pay the holders of its notes, whether the same are secured by the pledge of stock or otherwise, the directors and stockholders shall be individually liable.

Treasurer
may give
powers of
attorney.

Sec. 15. The treasurer may give to any person or association of persons so transferring stock in pursuance of the provisions of this act, powers of attorney to receive interest or dividends thereon, which such person or association may receive and apply to his or their own use; but such powers may be revoked upon such person or association failing to redeem the circulating notes so issued, or whenever, in the opinion of the Treasurer, the principal of such stock shall become an insufficient security; and the said Treasurer, upon the application of the owner or own-

May transfer
and re-
transfer
stock.

ers of such transferred stock, in trust, may, in his discretion, change or transfer the same for other stocks of the kind before specified in this act, or may transfer (re-transfer) the stock, or any part thereof, upon receiving and cancelling an equal amount of such circulating notes delivered by him to such person or association, in such manner that the circulating notes shall always be secured in full by such stocks so transferred, as in this act provided, so that there shall not at any time be in circulation, and in the possession or under the control of any such banker or association, more than an equal amount of such circulating notes, on the amount of the stock transferred to and in the hands of such treasurer:

Provided, That said treasurer shall at all times keep an accurate account *Proviso.* of the stocks, both as to kind and amount, thus changed, transferred or re transferred, and of the dates of all such transactions, and shall also register all circulating notes, returned, cancelled or destroyed, so far as the same can be done, and all the circulating notes of such association, issued by him in exchange for mutilated or worn out notes of such association.

Sec. 16. It shall be the duty of the treasurer to receive mutilated circulating bills or notes issued by him, and to deliver in lieu thereof other circulating notes to the same amount; such mutilated notes shall thereupon be destroyed: *Proviso.* That all mutilated bills or notes be destroyed by said treasurer, in the presence of the Secretary of State, and an agent of the bank whose notes are burned, before any other circulating notes shall be delivered in lieu thereof by him. *Mutilated notes to be received by treasurer & new ones issued in lieu. Proviso.*

Sec. 17. The public debt or stocks deposited by any person or association of persons under the provisions of this act, shall be held by the treasurer exclusively for the redemption of the bills or notes of such person or association, put in circulation as money, until the same are paid or returned. *Public stocks to be held for redemption of notes.*

Sec. 18. The directors of each bank shall semi-annually, on the first Monday in July and December, declare a dividend of so much of the net profits of the bank as they shall deem expedient, and on each of said days the president or cashier shall make a full, clear and accurate statement to the State Treasurer, of the condition of the bank as it shall be on that day after declaring the dividend, if any be declared, which shall be verified by the oath of the president or cashier, and shall contain a full abstract of the general accounts of the bank, so as to show plainly its resources and liabilities, and the amount of each kind thereof; and the same shall be published in some newspaper of the county where such bank is located, or in any paper published in Detroit. *Semi-annual dividends to be declared. Statement of condition of bank to be made and verified by affidavit and published.*

Sec. 19. If such association shall neglect to make out and transmit the statement required in the preceding section, for one month beyond the period when the same is required to be made, or shall willfully violate any of the provisions of this act, such association may be deemed insolvent, and may be proceeded against and dissolved in the same manner as any moneyed or other corporation may be proceeded against and dissolved. *When association may be deemed insolvent.*

Association
liable to pay
damages in
certain cases
to holders
of notes,
checks,
drafts, &c.

Directors
and officers
to be in-
dividually
liable, and
guilty of
misdemean-
or in certain
cases.

List of
sharehold-
ers to be
kept and
recorded.

State Treas-
urer not to
countersign
bills to an
amount
greater than
the stocks
deposited.

Violation a
felony.

Punishment

Sec. 20. Such association shall be liable to pay to the holder of every bill or note put into circulation as money, and to the holder of every sight check or draft drawn on such association against money in deposit with it, to the credit of the drawer, subject to such sight check or draft, the payment of which shall have been demanded and refused, damages for non-payment thereof in lieu of interest, at and after the rate of fourteen per cent. per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon. The directors and officers of any such association refusing to pay its deposits on demand, when such deposits are, by the conditions upon which they were received, subject to sight drafts, shall be personally liable for such deposits, and any director or officer of such association, and any individual banker, who shall fraudulently, and with intent to cheat and defraud any person, receive any deposit, knowing or having good reason to believe, at the time of receiving such deposit, that such association or individual banker is insolvent, shall, if such deposit is not paid on demand, be deemed guilty of a misdemeanor, and on conviction therefor be punished by imprisonment in the State prison not exceeding three years.

Sec. 21. The president and cashier of every such association formed pursuant to the provisions of this act, shall at all times keep a correct list of the names of all the shareholders of such association, and shall record a copy of such list in the office of the register of deeds of the county where any office of such association may be located, and file the same in the office of Secretary of State, on the first Monday of January in each year: *Provided*, There shall be any change in the shareholders during the previous year.

Sec. 22. It shall not be lawful for the State Treasurer or other officer to countersign bills or notes for any person or association of persons organized under the provisions of this act, to an amount in the aggregate exceeding the stocks or public funds deposited or transferred to said Treasurer, as hereinbefore provided, by any such person or association of persons, for bills or notes returned to him except as herein provided; and any Treasurer or other officer who shall willfully violate the provisions of this section shall, upon conviction, be adjudged guilty of a felony, and shall be punished by imprisonment in the State prison not less than five years.

Sec. 23. It shall not be lawful for any person or association formed under the provisions of this act, to make any of its bills or notes, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted, and all said bills or notes shall be redeemed at said place of business.

Bills not to be payable at any other place than the office of the association.

Sec. 24. It shall not be lawful for any person or association authorized to carry on the business of banking under the provisions of this act, to receive, pay out, give or offer in payment as money, to circulate or attempt to circulate as money, any bill, note or other evidence of debt, issued or purporting to have been issued by any corporation, association or individual, situated or residing out of this State, which bill, note or other evidence of debt, shall upon any part thereof purport to be payable or redeemable at any place or by any person, association or corporation within this State.

Association not to pay out notes of banks out of this State, payable in this State.

Sec. 25. It shall not be lawful for any association or individual authorized to carry on the business of banking under this act, directly or indirectly, to lend or pay out for paper discounted or purchased by him or them any bank bills, note or other evidence of debt, which is not received at par by the said association or individual banker, either for debts due to such association or individual banker, or received by such association or individual banker from dealers and customers in the regular and usual course of business.

Notes not receivable at par by association not to be lent or paid out by it.

Sec. 26. Every corporation, association or individual, who shall willfully offend against any of the provisions of the last three preceding sections, shall forfeit for each and every offense the sum of one thousand dollars, to be recovered with costs of suit in the name of the people of this State, for the support of the township libraries of the several townships in the county where such forfeitures shall be recovered; and every officer and clerk of such association, and every individual banker, and his clerks and servants, who shall knowingly act or assist in any violation of any provisions of this act, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment, or both, at the discretion of the court; but such fine shall not exceed five hundred dollars, or such imprisonment shall not exceed six months.

Forfeiture for violation of preceding sections.

Violation, a misdemeanor.

Punishment

Sec. 27. No note or bill intended to circulate as money shall issue or be put in circulation by any association or individual bankers of a less

Notes less than one dollar not to be issued.

denomination than one dollar, nor unless such bill or note shall be made payable on demand, and without interest.

State Treasurer to appoint registers.

Term of office.

Oath of office.

Bond.

Salary.

Sec. 28. The State Treasurer shall appoint one or more registers to countersign and register in a book, to be kept for that purpose, all circulating notes issued under the provisions of this act, who shall hold his office during the continuance of said treasurer in office, unless sooner removed by said treasurer; and such register or registers shall take the constitutional oath of office, and execute a bond to the people of this State in the penal sum of ten thousand dollars, with responsible sureties, conditioned for the faithful discharge of his duties as such register under this act, which bond shall be approved by the State Treasurer, and be filed with the Secretary of State; such register shall receive an annual salary of eight hundred dollars.

Banking not to be commenced until deposit made.

Sec. 29. No person or individual banker shall commence the business of banking under this act until he shall have deposited with the treasurer the securities required by law, to the amount at least of twenty-five thousand dollars.

Proceedings of treasurer when securities become insufficient.

Sec. 30. Whenever the securities deposited for the redemption of the circulating notes of any association or individual shall, in the opinion of the treasurer, become insufficient for the purpose, he may revoke the power of attorney heretofore mentioned, receive the interest or dividends on the stock so deposited, and shall retain the same in trust for the association or individual to whom the same may belong, until said interest or dividends so received, when added to the securities so deposited shall be deemed sufficient security for such circulating notes; or said treasurer may immediately give notice thereof to the president or cashier of such association, or to such individual banker, who shall forthwith return to said treasurer an amount of circulating notes, so countersigned, equal to the depreciation of such stock.

Joint committee of legislature to examine treasurer's accounts, securities, books and papers.

Sec. 31. It shall be the duty of the joint committee of the legislature chosen to examine the treasurer's accounts, to examine such of the securities deposited in the treasurer's office by banking associations and individual bankers, together with the books and papers therein, relating to the business of banking, as the said committee may deem necessary, to enable them to report the true state and condition of the department to the legislature.

Sec. 32. All fees for protesting the circulating notes issued by any banking association or individual bankers shall be paid by the person procuring the services to be performed for which such association or banker shall be liable, but no part of the securities deposited by such association or banker shall be applied to the payment of such fees.

Fees of protest; by whom paid.

Sec. 33. Every banking association and individual banker, carrying on banking business under or by virtue of the provisions of this act, shall at all times be subject to the inspection and supervision of the State Treasurer.

Banks subject to inspection of treasurer.

Sec. 34. In case any of the associations or individual bankers shall refuse to submit its books and papers to the inspection of said treasurer, or whose officers shall refuse to submit to be examined upon oath touching the concerns of such association or individual banker, or if any of them shall be found to have violated any law of this State, binding upon such association or individual banker, he or they shall be liable to be proceeded against by such treasurer, in the same manner and with like effect as any incorporated bank may be proceeded against for a violation of its charter.

Proceedings when banks refuse to submit to inspection.

Sec. 35. Any association (associate) or shareholder in any such association may, in respect of any demand which he may have, either solely or jointly with any other person against such association, commence and prosecute, either solely or jointly (as the case may be), any action, suit or proceeding in law or equity against such association for the recovery thereof; and such association may commence and prosecute any action, suit or other proceeding in law or equity, against any person or persons who may be or who have been an associate or shareholder of such association, either alone or jointly with any other person or persons against whom such association may have any demand whatever. All such suits or proceedings by or against such association shall be conducted and have the same legal effect as if such association (associate) or shareholder had never been a member of such association. Nor shall any action or suit be in any way affected by reason of the plaintiffs or defendants, or any other person who may be in any way interested in said action, being or having been a shareholder or associate of such association; nor shall it be necessary in any process, pleading or proceeding, in behalf of or against any such association, to name the individuals composing the same.

Shareholders may commence suit against association.

Vice versa.

Proceedings
upon relin-
quishing
banking
business.

Sec. 36. When any individual banker or association, desirous of relinquishing the banking business, shall have redeemed at least ninety per cent. of their circulating notes, and shall produce to the treasurer a certificate of deposit to his credit in such bank as he shall approve, or shall pay to said treasurer an amount equal to the circulating notes of such bank unredeemed, it shall be lawful for said treasurer to receive the same and to give and transfer all the securities theretofore deposited by such banker or association, for the redemption of circulating notes issued.

It,

Sec. 37. Such bank or association, after having complied with the provisions of the preceding section, may give notice once in each month, for two successive years, in some newspaper published or printed in the city of Detroit, and also in at least one newspaper printed in the county, if there be one, where such association or bank shall have been located, that all circulating notes issued by such association or bank must be presented at the treasurer's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the bank or association; and on receiving satisfactory proof of the giving such notice for the time aforesaid, the treasurer shall surrender to the order of the said association or bank, any securities or moneys which he may hold for the redemption or payment of any unredeemed notes of such association or bank.

Foreign
bills may be
put in cir-
culation.

Sec. 38. Nothing in this act contained shall be so construed as to prevent any association or individual banker, organized under this act, from making, issuing, or putting in circulation, bills of exchange on foreign countries, or places beyond the jurisdiction or limits of the United States; which bills of exchange may be made payable at or with the customary usance, and at or within ninety days sight; but no such draft or bill of exchange shall be used or put in circulation as money by any such bank or banking association.

Share books
to be kept.

What to
contain.

Sec. 39. A book shall be provided and kept by every association and individual banker, organized under the provisions of this act, in which shall be entered the names and residences of the stockholders or shareholders in such association, the number of shares held by each, the time when each person became such stockholder or shareholder, every registered transfer of stock or shares upon the books of the association or bank, the time when any stock or share was transferred, the name of

the assignee or assignees, with his or their residence, and the number of shares transferred; the said books shall be, at all times during the usual hours of transacting business, subject to public inspection. A neglect To be subject to inspection. to provide and keep such book, ready for examination as herein provided, shall subject the association or bank whose duty it is to provide and keep the same to a penalty of one hundred dollars for every day's Penalty for neglect. neglect; and a refusal, by any officer of such association or bank, to exhibit such book to any person demanding the inspection thereof, shall subject such officer to a penalty of fifty dollars. The said penalties may be sued for and recovered, with costs, by any person who will prosecute How recovered. for the same, in the name of the people of the State, and shall be exclusively applied to the support of the township libraries in the county where such penalties shall be recovered. In all actions, suits and proceedings under this act, the said book shall be presumptive evidence of Share book evidence. the facts therein stated. Any person or association, making, directing or consenting to any false entry in such book, or in any other book of Punishment for false entry. such banker, shall, upon conviction thereof, be sentenced to imprisonment in the State prison not less than one nor more than three years.

Sec. 40. Upon the return of an execution against the property of Upon return of execution unsatisfied, stockholders may be sued any association or individual banker, organized under the provisions of this act, unsatisfied in whole or in part, the judgment creditor may sue and prosecute any officer or stockholder, or any number thereof, in any court having jurisdiction of such action, and may recover against such officer, stockholder, or any number thereof, the amount due him upon any judgment he or they shall have recovered against such association or bank, with costs, and may have execution thereof against the private property of such officer, stockholder or individual banker, as in other cases; and every officer and stockholder of such association or bank, shall be individually liable for all debts, dues and demands, contracted during the time of their being officers and stockholders of such association or bank. But in case of any amendment of the constitution of this State, lessening or qualifying such liability, the stockholders or officers of any such bank shall become entitled to the privileges of such amendment.

Sec. 41. A judgment rendered against any officer or stockholder, or Judgment against officers or stockholder not a bar. any number thereof, shall not be a bar to a prosecution or suit against any other officer or stockholder of such association or bank, for the recovery of the same indebtedness.

Certain transfers, &c., void.

Sec. 42. All transfer of notes, bonds, bills of exchange, or other evidences of debt owing to any bank, or of deposits to its credit, all assignments of mortgages or other securities on real estate, or of judgments or decrees in its favor, all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its stockholders or creditors, all payments of money to either made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be held utterly null and void.

Bill holders entitled to preference in case of insolvency of bank.

Sec. 43. In case of the insolvency of any bank or banking association, organized under this act, the bill holders thereof shall be entitled to a preference in payment over all other creditors of such bank or association.

Suits may be prosecuted as against natural persons.

Sec. 44. Suits may be instituted and prosecuted by and against such association or bank in the same manner and in like cases as natural persons.

Stockholders not liable to bank for more than 25 of stock.

Sec. 45. The stockholders, collectively, of any bank, shall at no time be liable to such bank, either as principal debtors or sureties, or both, to an amount greater than two-fifths of the amount of the capital stock actually paid in and remaining undiminished by losses or otherwise.

Secretary of State to report to legislature.

Sec. 46. It shall be the duty of the Secretary of State to report to the Legislature at the commencement of each session;

What report to state.

1. A summary of the state and condition of every incorporated or organized bank, banking association and individual banker, from whom reports have been received the preceding year or years, at the date or dates to which such report refers, with an abstract of the whole amount of banking capital returned by them respectively, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of resources and means, the amount of specie held by them, and such other information in relation to said banks, associations and bankers, as in his judgment may be useful:

2.

A statement of the banking associations and bankers, whose business has been closed during the preceding year or years, with the amount of their circulation redeemed, the rate of such redemption per cent. and the amount outstanding. Such report shall be made by or before the last day of the year.

Sec. 47. The treasurer, attorney general, or any committee appointed by the Legislature or either branch thereof, shall have power to examine the books, papers, conditions and affairs of any bank or association organized under the provisions of this act, and for that purpose may examine on oath, any individual banker, and the officers, agents, partners and clerks of such banker, and of any bank or association touching the matters he or they shall be directed or may desire to inquire into; and any willful false swearing in any such examination shall be deemed perjury. They may also inquire whether any banker or association transacts the business of banking at the place designated in its articles or certificates of association; whether such banking business is conducted in the manner prescribed by law.

Powers of treasurer, attorney general or committee in making examinations and enquiries concerning banks.

Sec. 48. Such officer shall have power to summon any inhabitant of the county in which he or they may be conducting the inquiry, to appear before him or them and testify in relation to the same.

Sec. 49. If it shall appear from such examination and report, that any bank, association or individual banker, is in an unsound or unsafe condition to do banking business, or that the business of banking is not transacted by such bank, association or banker at the place designated in its certificate or article of association, or is not transacted in the manner prescribed by law, it shall be the duty of the treasurer to withhold and refuse to issue or deliver any registered notes to such bank, association or banker, until he shall be satisfied that such bank, association or banker, is in a sound and safe condition to do a banking business, and that the business of banking is transacted by such bank, association or banker, at the place designated in its certificate or articles of association.

Duty of treasurer to withhold notes in certain cases.

Sec. 50. The circulating notes delivered to individual bankers, shall be signed by him only, and not by any attorney or agent; and any banker or person acting as his cashier, attorney or agent, who shall willfully violate any provision of this section, shall be liable to a penalty of not more than one thousand dollars for each offence, to be recovered in an action of debt in the name of the people of this State.

Individual bankers to sign notes himself.

Penalty for violation.

Sec. 51. It shall not be lawful for any individual banker having circulating notes, obtained under the provisions of this act, to sell or transfer the business of banking upon the securities deposited by him, to any person or persons; and until such business shall be closed by the return of the circulating notes issued, and the delivery of the securities deposit-

Individual banker not to sell the business of banking.

ed, the same shall be conducted only in the name of the individual banker by whom the said securities were deposited, and he shall continue and remain individually liable for the payment of all the debts, dues and demands, and circulating notes contracted or issued by him.

Specific tax
of one per
cent to be
paid to State
treasurer.

Sec. 52. Every bank, association and banker, organized under the provisions of this act, shall pay to the State Treasurer, on or before the second Monday of January in each year, during its corporate existence, one per cent. upon its capital stock, deducting the real estate held by such association or individual banker, which amount shall be in lieu of all other taxes or assessments. All real estate owned by such bank,

Tax on real
estate.

association or individual banker, may be taxed as other real estate in the city, village or township where the same may be situate; and shall

Twenty five
cents on
every 100
bills to be
paid for use
of State.

also pay to the State Treasurer twenty-five cents for the use of the State for every one hundred bills or notes countersigned and registered by said Treasurer or register, as required by this act.

Punishment
for remov-
ing from
treasurer's
office, or
destroying
or defacing
bonds,
stocks, &c.

Sec. 53. Any person who shall take, remove or carry away from the office of the State Treasurer, contrary to the provisions of this act, or shall deface or destroy any of the bonds, stocks or other securities therein deposited pursuant to the provisions of this act, and any person having charge of such Treasurer's office, who shall suffer or permit the taking, removing or destroying any of the bonds, stock or other securities deposited or transferred as aforesaid, shall, upon conviction, be punished by imprisonment in the State prison for a term not exceeding ten years.

Punishment
for putting
in circula-
tion bills not
counter-
signed.

Sec. 54. If any individual banker, or any officer or clerk, agent, or other person in the employ of any bank, association, or individual banker, shall issue or put in circulation as money, any bill or note purporting to have been issued by such bank, association or individual banker, not being or having been countersigned by the register, as provided by this act, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punishable by imprisonment not exceeding three years, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment in the State prison, at the discretion of the court.

Redemption
offices in
Detroit.

Sec. 55. Every bank, association or individual banker, organized under the provisions of this act, and issuing bills of circulation, shall, before issuing any such bills or notes, appoint an agent, who shall keep an office in the city of Detroit for the redemption of circulating notes issued

by such bank, association or individual banker, which shall be presented to such agent for redemption or payment. It shall be the duty of every such bank to redeem and pay on demand all circulating notes issued by said bank, presented for redemption or payment at the office of their said agent in the city of Detroit, at one-half of one per cent. discount, and every such bank, whose agent shall neglect or refuse to redeem their notes on demand at the rate aforesaid, shall pay to the person making such demand, interest at the rate of twenty per cent. per annum upon the notes so demanded, and if such redemption and payment of interest is not made at said agency within ten days from the time when first demanded, the same proceedings shall be had as are by this act provided in case of refusal by any bank to redeem its bills when presented at its own office.

Circulating notes to be redeemed in city of Detroit on demand at 1-2 of one per cent.

Sec. 56. Such appointment shall be in writing, and a copy thereof shall be delivered to the State Treasurer and filed in his office, before he shall deliver to such bank, association, or individual banker, any notes or bills countersigned as aforesaid; and any bank, association, individual banker, or other person, may be an agent for the purpose of this act; and if any such bank or banker shall omit to appoint such agent before commencing, the State Treasurer shall appoint such agent for such bank.

Appointment of agents to be in writing.

Sec. 57. Appointments of agents made in pursuance of this act, may be revoked and new appointments made from time to time, by delivering such revocation and appointment to the State Treasurer, who shall cause the same to be published as hereinafter mentioned.

May be revoked.

Sec. 58. The Treasurer shall, immediately after the receipt of such appointment, cause the same to be published in some newspaper published in the city of Detroit, for such time as he may deem proper, the expenses whereof shall be paid by such bank, association, or individual banker.

Appointment to be published.

Sec. 59. Nothing herein contained shall be construed as to authorize any bank, association, or individual banker, to purchase, buy in or take up, directly or indirectly, their circulating notes, at an amount less than what purports to be due thereon, at any other place, or in any other manner, than is directed in and by this act.

Banks not to take up notes at less than amount due thereon.

Sec. 60. This act shall be submitted to the electors of this State, for their approval or disapproval, at the next general election. At said election a ballot-box shall be provided and kept by the several boards

This act to be submitted to electors.

Manner of voting on the question of inspectors thereof, for receiving the votes cast for or against this act; and on the ballot shall be written or printed, or partly written and partly printed, the words "A general banking law Yes," or "A general banking law No."

Sec. 61. The canvass of the votes cast for or against this act, and the returns thereof, shall be made by the proper canvassing officers, within the same time, and in the manner as now provided by law for the canvass and the return of the votes cast at the said general election, and the result be declared by the board of canvassers at the same time and manner as the result of the canvass for State officers; and if it shall appear that a majority of the votes cast at such election have thereon "A general banking law Yes," this act shall become a law, and take effect within sixty days after said general election.

Fractional bills not to be issued.

Sec. 62. It shall not be lawful for any bank association or individual banker organized under the provisions of this act, to issue circulating notes for fractional sums of money.

Approved February 16, 1857.

[No. 136.]

AN ACT to change the territorial road running from Sheldon's, in the county of Wayne, to the mouth of St. Joseph river.

Certain parts of road vacated

SECTION 1. *The People of the State of Michigan enact, That* so much of the territorial road running from the inn of Timothy S. Sheldon, in the township of Plymouth, in the county of Wayne, through the counties of Wahtenaw, Jackson, Calhoun, Kalamazoo, Van Buren and Berrien, to the mouth of the St. Joseph river, as lies on section number (20) twenty in township number (2) two, south of range number (5) five west, and departs from and lies north of the section line between said section (20) twenty and section twenty-nine (29) in the same township, be and the same is hereby vacated.

New line established.

Sec. 2. That a highway be and the same is hereby laid from the point where said road leaves the said section line and runs in a northerly direction, thence due west on the said section line to the point where said territorial road again intersects said section line on said section number twenty (20).

Sec. 3. That the expenses or damages of laying out and establishing said road, provided for by section (2) two of this act, shall not be charged upon or paid out of the State Treasury. Expenses not to be paid by State.

Sec. 4. This act shall take effect when the right of way for said road provided for by section (2) two of this act shall have been acquired from the owners of the land on which the same will run, by purchase or otherwise. When to take effect.

Approved February 16, 1857.

[No. 137.]

AN ACT to provide for the laying out and establishing of a State road in the counties of Ontonagon and Houghton.

SECTION 1. *The People of the State of Michigan enact, That* Commissioners appointed. Augustus Coburn, of Ontonagon, Samuel W. Hill and John Q. McKennon, of Houghton county, be and are hereby appointed commissioners to lay out and establish a State road from the terminus of the Ontonagon plank road, in the township of Greenland, on the most direct and eligible route to Portage Lake, in the county of Houghton, and from Portage Lake on the most eligible route to Eagle Harbor, in said Houghton county, and shall cause the survey bills of the same to be filed for record in the office of the several township clerks of the townships through which the same shall be laid out, on or before the first day of December next. Route of road.

Sec. 2. For the purpose of improving said road, there shall be appropriated the sum of two thousand dollars yearly of the specific taxes reserved to the State from mining corporations in said counties of Ontonagon and Houghton, in the Upper Peninsula, for the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine; and the same is hereby remitted to the counties of Ontonagon and Houghton, for the purpose aforesaid. Said sum shall be paid to the treasurer of the county of Ontonagon, upon the joint written order of the clerks of the counties of Houghton and Ontonagon, and the same shall be expended under the direction of the above named commissioners for the improvement of said road. Certain specific taxes appropriated.

Right of
way thro'
lands of
State grant-
ed.

Sec. 3. The right of way for any such road through any lands belonging to the State be and is hereby granted and confirmed to the townships in which such lands shall be.

Commis-
sioners to
take oath of
office and
file bonds.

Sec. 4. It shall be the duty of said special commissioners, before entering upon the duties of their office, to take and subscribe an oath to faithfully perform the duties herein assigned them, and file the same in the office of the county clerk of their respective counties, and each of them deliver to the county treasurer of said county a bond, in the penal sum of two thousand dollars, with two good and sufficient sureties to be by him approved, conditioned for the faithful performance of all the duties imposed upon them by virtue of this act; and in default thereof it shall be the duty of said county treasurer to prosecute the same, in the same manner as bonds are prosecuted against county officers.

Compensa-
tion.

Sec. 5. The above named commissioners shall be entitled to receive as compensation for their service rendered in the discharge of any of their duties, imposed upon them by virtue of this act, a sum not exceeding two dollars per day, for the time employed in carrying out its provisions; and their accounts for the same, verified by their oaths, shall be audited by the board of supervisors of the county of Ontonagon, and paid out of any money to the credit of said fund.

Proceedings
when
private
property is
to be taken.

Sec. 6. The commissioners appointed by this act may make application to any judge of the district court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be, when private property is taken for such road, to ascertain the necessity for taking such property and appraise the damages thereon, if any is claimed; and the necessity for taking such property, and the compensation therefor, shall be certified to in writing by said commissioners, and the certificate filed in the office of the register of deeds for the county in which such property is situated.

Sec. 7. This act shall take immediate effect.

Approved February 16, 1857.

[No. 138.]

AN ACT to amend section eighteen of chapter one hundred and fifty, title twenty-nine, of the Revised Statutes of eighteen hundred and forty-six.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section 18 amended.} section eighteen of chapter one hundred and fifty, title twenty-nine, of the revised statutes of eighteen hundred and forty-six, is hereby amended so as to read as follows:

Sec. 18. Each grand and petit juror, except talesman, shall be entitled to one dollar and fifty cents for each day's attendance upon any ^{Compensation of jurors.} circuit court, and six cents for each mile traveled in going and returning by the most usual route, to be paid out of the treasury of the county by the treasurer thereof, on the certificate of the clerk of the court. Each talesman summoned and acting as juror in a court of record, shall be entitled to one dollar per day for his service, and fifty cents for each half day, to be paid in the same manner herein provided for the payment of grand jurors; each juror sworn in any action in a justice's court, or before any officer in any special proceeding, allowed by law, or before any sheriff upon any writ of inquiry, shall be entitled to twenty five cents, to be paid in the first instance by the party requiring such jury; in each cause in which a jury shall be empanelled in any circuit court, the party requiring such jury shall pay to the clerk thereof, for the use of the county, the sum of three dollars, before the swearing of such jury, which shall be paid by the clerk to the county treasurer, and taxed with the cost, if the party calling the jury shall recover; each juror sworn before any coroner on any inquest taken by him, shall be entitled to one dollar for each day's attendance, and fifty cents for each half day on such inquest.

Approved February 16, 1857.

[No. 139.]

AN ACT to authorize the township of Marshall to raise moneys for building and repairing bridges.

SECTION 1. *The People of the State of Michigan enact, That* ^{Township of Marshall authorized to raise money by tax.} the township of Marshall be and hereby is authorized to raise by tax upon the taxable inhabitants of said township, a sum not exceeding one

thousand dollars in any one year, for the purpose of building and keeping in repair bridges over the Kalamazoo river and Rice creek, in said township: *Provided*, A majority of the legal voters of said township shall, at the annual township meeting, vote to raise the same.

How money applied. Sec. 2. All moneys raised by virtue of the preceding section, shall be applied and used by the highway commissioners of said township for the purpose specified in said section, and for no other purpose.

Manner of assessing & collecting tax. Sec. 3. The manner of assessing and collecting said tax shall be in all respects the same as now provided by law for the assessment and collection of town and county taxes.

Sec. 4. This act shall take immediate effect.

Approved February 16, 1857.

[No. 140.]

AN ACT to repeal sections two, three, four and five of an act entitled an act to provide for the sale and reclaiming of swamp lands granted to the State, and for the disposition of the proceeds, approved June twenty-eighth, eighteen hundred and fifty-one.

Repeal. SECTION 1. *The People of the State of Michigan enact*, That section two, section three, section four, and section five, of an act entitled an act to provide for the sale and reclaiming of the swamp lands granted to the State, and for the disposition of the proceeds, approved June twenty-eighth, eighteen hundred and fifty-one, be and the same is hereby repealed.

Approved February 16, 1857.

[No. 141.]

AN ACT to amend chapter sixteen title four, section eighty-seven, of the Revised Statutes of eighteen hundred and forty-six.

SECTION 1. *The People of the State of Michigan enact*, That section eighty-seven, title four, chapter sixteen, of the Revised Statutes of eighteen hundred and forty-six, shall be amended so as to read as follows:

Commissioners and overseers of ways "Sec. 2. Sec. 87. Each of the said commissioners and overseers of highways before entering upon the duties of his office, and within the time limit-

ited by law for filing his official oath, shall give bond to the township in highways to give bond. the penal sum of five hundred dollars in the former, and two hundred and fifty dollars in the latter case, with one or more sufficient sureties to be approved by the supervisor, or by the township clerk, conditioned for the faithful performance of the duties of his office, and the faithful disbursement of all moners that may come into his hands by virtue of his office: *Provided*, In the case of the overseer of highways, the township *Provide*. board shall so signify in writing, given under their hands on the day of the election of said overseer.

Approved February 16, 1857.

[No. 142.]

AN ACT making an appropriation for the State Agricultural School, and to amend the act entitled an act for the establishment of a State Agricultural School, approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That *Appropriation for 1857* there be and there is hereby appropriated out of the treasury of this State the sum of forty thousand dollars, for the erection of buildings, purchase of furniture, apparatus, implements and library, payment of professors and teachers, and to improve and carry on the farm, and such other necessary expenses to be incurred in the successful operation of said school during the years eighteen hundred and fifty-seven and eighteen hundred and fifty eight; which sum shall be drawn from the treasury on the presentation of the proper certificates of the board of education to the Auditor General, and on his warrant to the State Treasurer.

Sec. 2. Section second of the act entitled an act for the establishment of a State Agricultural School, approved February twelfth, eighteen hundred and fifty-five, is hereby amended so as to read as follows, to wit: That there is hereby appropriated twenty-two sections of salt *Salt spring land appropriated.* spring lands, or the money arising from the sale thereof, referred to in article thirteen, section eleven, of the constitution of the State of Michigan, for the purchase of land for such site and location, and the preparation thereof, the erection of buildings, the purchase of furniture, apparatus, library and implements, payment of professors and teachers,

and other necessary expenses, to be incurred in the establishment and successful operation of said school; which sum shall be drawn from the State treasury on the presentation of the proper certificates of the board of education to the Auditor General, and on his warrant to the State Treasurer; but not to exceed in the whole amount the sum of fifty-six thousand, three hundred and twenty dollars, the minimum price of said twenty-two sections, unless the whole proceeds of the sales of said sections shall exceed that sum, and then not to exceed the amount of such proceeds.

Approved February 16, 1857.

[No. 143.]

AN ACT for the relief of the Pontiac and Lapeer plank road company.

Pontiac and
Lapeer P. R.
to have
certain
privileges.

SECTION 1. *The People of the State of Michigan enact*, That the Pontiac and Lapeer plank road company, incorporated by special act, approved April third, one thousand eight hundred and forty-eight, be and the same is hereby declared to have, possess and enjoy, all the rights and privileges, and subject to all the restrictions and liabilities attached to such companies, in the same manner and to the same effect that they would otherwise have been, had the organization of said company taken place within six months after the passage of the act, in pursuance of section four of an act relative to plank roads, approved March thirteenth, one thousand eight hundred and forty-eight.

Sec. 2. This act shall take immediate effect.

Approved February 16, 1857.

[No. 144.]

AN ACT to provide for the collection of taxes in the township of Sand Beach, and to provide for the collection thereof.

Tax roll for
1856, legaliz-
ed.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the township of Sand Beach, in the county of Huron, for the year one thousand eight hundred and fifty-six, be and the same is hereby declared to be as valid and legal as if a warrant had been attached to said roll.

Sec. 2. That the township treasurer shall file his bond as required by ^{Treasurer to file bond.} law, within ten days after the reception of said roll, and before he proceeds to the collection of said taxes.

Sec. 3. That the time for the collection of said taxes be extended to ^{Time extended.} the first day of May next, and that the said treasurer make returns as provided by (law) in other cases, on or before the first day of May next, and the county treasurer of the county of Sanilac, shall make return as in other cases, within fifty days from the time of the returns made by the treasurers.

Sec. 4. This act shall take immediate effect.

Approved February 16, 1857.

[No. 145.]

AN ACT to provide for laying out and establishing a State road in the counties of St. Clair, Sanilac and Tuscola.

SECTION 1. *The People of the State of Michigan enact, That J. M. Baldwin, of the village of Vassar, and Benjamin A. Wood, of the* ^{Commissioners appointed.} *village of Watrousville, both of Tuscola county, and James W. Sanborn, of Clair county, be and they are hereby appointed commissioners to lay out and establish a State road, commencing at Port Huron, in St. Clair* ^{Route of road.} *county, thence to the north line of the township of Brockway, in said county, thence on the most eligible route to a point at or near the southeast corner of section eighteen, in township eleven north, of range nine east, thence to the villages of Vassar and Watrousville respectively, on the most eligible route.*

Sec. 2. It shall be the duty of said commissioners to cause a description of said road to be filed in the office of the township clerk of each of ^{Duties of commissioners.} the respective townships on the line thereof, so far as said road shall run through each of the respective townships, on or before the first of December next, and it shall be the duty of the several township clerks to record the same, and such record shall be prima facie evidence of the existence of said road.

Sec. 3. For the purpose of improving said road, there shall be ^{Appropriation of certain taxes.} appropriated all of the non-resident highway taxes that shall be collected in the year eighteen hundred and fifty-seven, and for five years thereafter, in the townships hereinafter described, commencing with the second

township crossed by said road after it leaves the Cass river, including that and all through which said road shall pass from thence to the line where it leaves town nine north, of range fourteen east.

Commis-
sioners to
superintend
expenditure
of funds and
application
of labor.

Sec. 4. It shall be the duty of said commissioners to superintend the expenditure of all such sums of money as shall be collected for the benefit and improvement of said road, and to direct and determine the manner in which said labor shall be applied: *Provided*, That all moneys collected in the several counties hereinbefore mentioned, shall be expended within the limits of each county wherein the same may have been collected.

Commis-
sioners to
give bonds.

Condition.

Sec. 5. It shall be the duty of said commissioners, before entering upon the duties of their office to deliver each a bond in the penal sum of one thousand dollars, the said J. M. Baldwin and Benjamin A. Wood to the county treasurer of Tuscola county, and the said James W. Sanborn to the county treasurer of Sanilac county, each with two good and sufficient sureties, to be approved by the treasurer of the proper county, conditioned for the faithful performance of all the duties imposed upon them by virtue of this act; and in default thereof it shall be the duty of said county treasurers to prosecute the same in the same manner as bonds are prosecuted against county officers.

Commis-
sioners to
make list of
non resident
lands.

Treasurer
to open ac-
count.

Sec. 6. It shall be the duty of said special commissioners, on or before the first day of May next, to make out a list of all non-resident land coming under the provisions of this act, and deliver the same to the county treasurers of the counties of Tuscola and Sanilac, who shall thereupon open an account with said commissioners, and credit to said commissioners all moneys which may hereafter be paid in their offices as non-resident highway taxes upon any of the lands described in said list, according to the provisions of this act, and charge said commissioners all money which may be drawn by them or their order.

Certificate
of amount
of indebted-
ness.

Sec. 7. It shall be the duty of said special commissioners, or either of them, in the payment of any labor performed or materials furnished in the improvement of said road, to issue their certificates to any person or persons to whom they may be indebted by virtue of their office, certifying the amount due such person or persons, who may draw them for the amount due upon the State road fund, and it shall be the duty of the county treasurer of the proper county to pay the same out of any moneys to the credit of such fund, and charge the same as provided in section six of this act.

Sec. 8. It shall be the duty of said commissioners to render to the Report of board of supervisors. board of supervisors of the counties of Sanilac and Tuscola, at their annual session, a true account of the application and disbursement of all moneys they may have received in such counties respectively each year.

Sec. 9. Any overseer of highways within such township, or any township treasurer thereof having received any portion of such tax by Overseers of highways and treasurer to pay over commutation moneys. way of commutation, shall, on demand of such special commissioners, or either of them, pay over to them any sums so received, and the receipt of such commissioners, or either of them, shall release such overseer or treasurer from any liabilities therefor.

Sec. 10. Said commissioners may receive donations and subscriptions Commissioners may receive donations. for the benefit of said highway, and shall cause the same to be faithfully applied to the improvement thereof.

Sec. 11. The special commissioners shall receive as compensation for Compensation of commissioners. their services, one dollar and fifty cents per day while actually engaged in the service of said road, which amount shall be paid out of the fund created by this act, after their accounts for the same, verified by their oaths, shall have been audited by the board of supervisors of the proper county.

Sec. 12. The right of way for any such road through any lands be- Right of way thro' lands of State granted. longing to the State, be and is hereby granted and confirmed to the township in which such lands shall be.

Sec. 13. The State shall not be liable for any expense incurred or State not to be liable for expenses. damages sustained by reason of this act.

Sec. 14. In case vacancy shall occur in the office of said commissioners Vacancies; how filled. upon application being made by five resident freeholders of either county through which said road shall pass, the county treasurer, sheriff, and prosecuting attorney of the county where said freeholders shall reside, shall proceed at once, or without any unnecessary delay, to appoint a commissioner to fill such vacancy, who shall be required to give bonds in the like manner and have the same powers as the commissioners appointed by this act.

Sec. 15. The commissioners appointed by this act, may make appli- Proceeding upon taking private property for use of road. cation to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be when private property is taken for said road, to ascertain the necessity

for taking such property, and appraise the damage thereon if any is claimed, and the necessity for taking such property and the compensation therefor shall be (certified to in writing by said commissioners, and the) certificate filed in the office of the register of deeds for the county in which such land is situated.

Sec. 16. This act shall take immediate effect.

Approved February 16, 1857.

[No. 146.]

AN ACT to provide for the organization of the supreme court, pursuant to section two of article six of the constitution.

Supreme
courts; of
whom to
consist.

SECTION 1. *The People of the State of Michigan enact*, That from and after the first day of January, in the year one thousand eight hundred and fifty-eight, the supreme court shall consist of a chief justice and three associate justices, to be chosen by the electors of the State.

General
elections for
judges.

Sec. 2. A general election shall be held in the several townships and wards of the State, on the first Monday of April, in the year one thousand eight hundred and fifty-seven, and on the first Monday of April in every second year thereafter, for the election of judges or justices of the supreme court.

Judges to
be elected
on 1st Mon-
day of April
1857.

Sec. 3. At the first election, to be held on the first Monday of April in the year eighteen hundred and fifty-seven, there shall be elected one chief justice and three associate justices of the supreme court, who shall

How classi-
fied.

Term of
service of
each class.

be divided into four classes, to be numbered one, two, three, and four, whose term of service shall commence on the first of January, in the year eighteen hundred and fifty-eight; the term of service of class number one shall expire in two years; the term of class number two shall expire in four years; the term of class number three shall expire in six years; and the term of class number four shall expire in eight years, from the first day of January, eighteen hundred and fifty-eight.

Biennial
election of
judges.

Term of
office.

After the first election, one judge shall be elected every two years; and their terms of office shall be eight years; the place of each judge shall be filled by an election at the general election to be held on the first Monday in April next preceding the expiration of his term of service.

Vacancies;
how filled.

Sec. 4. Whenever a vacancy shall happen in the office of judge of the supreme court, it shall be filled by appointment of the Governor,

and a successor shall be elected at the next general election which may be held on the first Monday of April thereafter; unless a general election shall be held in November, prior to such election in April; and in such case he may be elected at such election in November.

Sec. 5. The Secretary of State shall, immediately after the passage of this act, transmit to the sheriff of each organized county, by mail, a notice in writing, or a printed circular, containing a brief statement of the contents of this act, so far as the same relates to the election of such judges; and he shall cause a copy of this act to be published in such newspapers in each judicial circuit as he may deem proper, once in each week, until the first election to be held in pursuance thereof.

Secretary of State to transmit printed circular to sheriffs.

Sec. 6. The sheriffs of the several counties, on receiving the notice hereby provided for, shall forthwith, in writing, notify the township clerk of each township, and one of the inspectors of election in each ward in any city, of such election.

Sheriff to notify township clerks.

Sec. 7. The inspectors of election in the several townships and wards in cities throughout the State, are hereby required to prepare a ballot box at each of the biennial elections provided for in this act, to receive all ballots that may be offered at such elections for a judge or judges of the supreme court, and for circuit judge and regent of the university, all of which shall be voted for on the same ballot.

Ballot box to be prepared to receive ballots for judges and regents of university.

Sec. 8. The election provided for by this act shall be conducted in the same manner and by the same officers, and notices of the time and place shall be given, as by the existing laws provision is made for holding a general election in the State in the month of November of each second year; and the inspectors of election shall make the same canvass, statement and returns, and they are hereby invested with the same powers and authority, as are provided by the election laws of this State for a general election.

Elections; how conducted.

Sec. 9. The county canvass for judges of the supreme court shall be held on the second Tuesday succeeding the election, and shall be conducted in all respects in the same manner and by the same officers, and returns shall be made in the same manner and within the same time, as is provided by existing laws for the canvass of votes cast for circuit judges, Secretary of State, and other State officers.

County canvass when to be held and how conducted.

Sec. 10. The Secretary of State, State Treasurer, and Commissioner of the State Land Office, shall constitute the board of State canvassers,

Board of State canvassers.

How to proceed in canvassing.

and they are hereby authorized and required to proceed in the canvass and determination of the election of the judges or judge of the supreme court in the same manner and at the same time as is provided by law for the canvass of the election of circuit judges and regents of the University, and they shall make a statement of the votes cast and the number cast for each person, and determine the person or persons elected, and make and subscribe on such statement a certificate of such determination, and deliver the same to the Secretary of State, who shall cause the same to be recorded in his office; all of which proceedings shall be conducted in accordance with the laws regulating the canvass of votes cast at a general election for State officers, so far as the same are applicable.

Board of State canvassers to determine classes of judges by lot.

Sec. 11. After the canvass and the determination by the board of State canvassers what persons have been duly elected chief justice and associate justices of the supreme court, they shall prepare four slips of white paper of equal size, on each of which they shall write or cause to be written the name of one of the judges so elected; which slips, so prepared, shall be put into a box and shaken up by one of the board, when the other members of the board shall each alternately draw out one of the slips, until they are all drawn. The person whose name shall be first drawn shall constitute class number one; the person whose name shall be drawn secondly shall constitute class number two; the person whose name shall be drawn thirdly shall constitute class number three; and the person whose name shall be drawn lastly shall constitute class number four. The board shall certify and sign a statement of the time, mode and result of the drawing, and the class assigned thereby to each of the judges, and deliver the same to the Secretary of State, who shall record the same in his office with the record of the election of said judges; and shall without delay make out and send by mail, or cause to be delivered, to each of the persons thereby declared to be elected, a copy of such determination and of the class assigned to him on such drawing, certified by him under his seal of office.

Present supreme court to cease 1st January, 1858.

Sec. 12. The supreme court as now organized shall cease to exist on the first day of January, in the year eighteen hundred and fifty-eight, and the supreme court, to consist of one chief justice and three associate justices or judges, to be elected and organized under and in pursuance of this act, shall take its place; and every cause, suit, process and

proceeding which shall then be pending in the supreme court shall be, Pending suits to be transferred to new court. by force of the provisions of this act, transferred to such new supreme court, to be organized under this act, by which the same shall be heard, considered and determined.

Sec. 13. Three judges shall be sufficient to form a quorum for the trans- Quorum. action of business by the supreme court to be organized under the provisions of this act, and the court shall have the same jurisdiction and powers Jurisdiction which have been conferred by the constitution and laws now in force upon the present supreme court. Four terms of the supreme court shall be held Terms of court; when and where held. annually, commencing on the first Mondays of January, May, July and October of each year, which shall be called respectively the January, May, July and October terms of said court. The January and July terms of said court shall be held at the Capitol, in the town of Lansing, in the county of Ingham; and the May and October terms thereof shall be held in the Supreme Court room in the city of Detroit, in the county of Wayne. The court may hold special or adjourned terms of Special and adjourned terms. the court at either of the places above named for holding the general terms of the court, and shall continue its session a sufficient number of days at each term to hear all the causes ready for argument; and all causes and questions not decided at the term when the same are argued shall be determined early in the next succeeding term. All the laws now in force relating to the supreme court shall apply to the new supreme court to be organized under this act.

Sec. 14. The chief justice and each of the associate justices shall Salaries of Judges. receive an annual salary of two thousand and five hundred dollars, payable quarter yearly out of any money in the treasury belonging to the general fund not otherwise appropriated.

Sec. 15. Before entering upon the discharge of their duties, the several Oath of office. judges shall take and subscribe the oath required by the constitution.

Sec. 16. The seals of the supreme court now in use shall continue Seal. to be used therein until others are provided.

Sec. 17. All acts and parts of acts contravening the provisions of this Repeal. act are hereby repealed.

Sec. 18. This act shall take immediate effect.

Approved February 16, 1857.

[No. 147.]

AN ACT to provide for the improvement of navigation over the sand flats of the Muskegon river.

Commis-
sioners ap-
pointed.

SECTION 1. *The People of the State of Michigan enact, That* Chauncey Davis, of Ottawa county, Amasa B. Watson and Isaac D. Merrill of Newaygo county, be and are hereby appointed commissioners, to be denominated the "Muskegon improvement commissioners," whose duty it shall be to construct such levees and other works between Muskegon lake and Maple river, as may be necessary to secure the free navigation of Muskegon river.

Appropriation from
internal im-
provement
fund.

Sec. 2. There is hereby appropriated for the payment of all such works for the improvement of the navigation of said river as contemplated by this act, the sum of fifty thousand dollars to be paid from the internal improvement fund of this State.

Commis-
sioners may
employ
engineer &
make sur-
veys.

Sec. 3. The commissioners appointed in pursuance of this act may employ a competent engineer, and such other assistance as shall be necessary, and shall proceed forthwith to make all necessary examination and surveys, and ascertain and determine what works are required for the removal of all obstructions to the free navigation of the said Muskegon river between the points aforesaid.

Survey,
plans, plats
and speci-
fications.

Sec. 4. It shall be the duty of said commissioners to make, or cause to be made, a survey, plans, plats, and specifications, for such a drain, canal or channel through the said flats of Muskegon river above Muskegon lake, as to make that the main channel of said river, and suitable for the purposes of navigation, and to make plans and specifications for such levees and embankments and other works, as will serve to turn the water from the numerous and shifting channels of said river, through and over the said flats into the one channel or canal to be by them constructed.

Commis-
sioners to
contract.

Sec. 5. Such commissioners shall thereupon, after advertising six successive weeks in two or more newspapers published in Ottawa and Newaygo counties for the proposals for said work, proceed to contract on the best terms for the construction of all works necessary for the said drainage and the best improvement of said river, for the purposes of navigation over and across the said flats, at a price not to exceed the sum by this act appropriated; and in deciding upon the several offers and proposals which may be made, they shall take into consideration the

responsibility and business habits of the party or parties proposing; they shall not enter into any contract that does not provide for a good canal or channel, suitable for the purposes of navigation, and adapted for the navigation of steamboats across the said sand flats, so as to make a continuous and available navigation on said Muskegon river; no contract made by said commissioners shall take effect until approved by the Governor, and his approval endorsed on said contract.

Sec. 6. Said commissioners shall contract for the said drainage, and ^{1b.} the construction and completion of said canal or channel across said flats, and all works connected therewith necessary to its usefulness and safe navigation, and of all other necessary work for the improvement of said river, at such other time as they shall think proper, not later than the first of January, 1859, making payment for all said work out of the sum by this act appropriated; and no payment shall be made on account of said works or any of them, until the said drainage and the canal or channel across the said flats, and all works connected with or necessary to the usefulness thereof are completed to the satisfaction of the said commissioners, and approved by the Governor, and in accordance with the terms of the contract to be made in pursuance of this act.

Sec. 7. The said commissioners shall have power, in case the work does not progress with sufficient expedition to secure its completion at the time and times specified in the contract, to declare the same forfeited, and to let the same anew to other parties, in which case they may deduct from the amount due the defaulting contractor or contractors, so much as will enable them to let the work to other party or parties.

Commissioners may declare contract forfeited in certain cases.

Sec. 8. On the completion of said improvement and canal, or channel across the said flats, and all other works connected with or necessary to the usefulness thereof, the said commissioners, after obtaining the approval of said work by the Governor, shall endorse the fact on the contract, after which said contractor or contractors shall be entitled to payment from the sum hereby appropriated, except the amount necessary to pay the expense of this commission; and the sufficiency of all said work shall be determined by said commissioners, and approved by the Governor.

Endorsement of approval on contract.

Sec. 9. The commissioners appointed in pursuance with (of) this act, shall severally, before they enter upon the duties of their offices, take the constitutional oath of office; they shall receive compensation for their

Commissioners to take oath of office.

Compensation. services at a rate not exceeding three dollars per day, for the time actually employed, which compensation, as well as every other necessary expense for carrying out the provisions of this act, shall be paid out of the sum appropriated for this purpose.

Canal to be public highway. Sec. 10. The canal or channel to be constructed over the said flats in pursuance of this act, shall be a public highway for the use of the citizens of this State forever.

Governor to fill vacancies Sec. 11. Should any vacancy occur in this commission by death or otherwise, the successor or successors shall be appointed by the Governor.

Duties of State treasurer. Sec. 12. It shall be the duty of the State Treasurer on the receipt or presentation of the said contract or contracts, by the contractor or contractors, endorsed in pursuance of section eight, to pay to the holder or holders of such contracts the several sums herein appropriated out of any funds belonging to the internal improvement fund not otherwise appropriated: *Provided*, That no part of the aforesaid appropriation be drawn from the treasury for the purpose above mentioned, until the additional sum of one hundred thousand dollars shall be pledged for the same purpose, and amply secured by deposit of bonds, or otherwise, to the satisfaction of the Board of State Auditors, if that sum shall be necessary to complete such work.

May not be drawn from general fund Sec. 13 No money shall be drawn from the general fund in the treasury of this State for this purpose, nor shall the State be responsible nor held liable for any contract growing out of this improvement except as herein otherwise provided.

Sec. 14. This act shall take immediate effect.

Approved February 16, 1857.

[No. 148.]

AN ACT to aid in the improvement of a certain highway in the counties of Oakland, Genesee, Tuscola and Saginaw.

Certain commissioners authorized to select certain lands. SECTION 1. *The People of the State of Michigan enact, That* for the purpose of improving the highway leading from the village of Clarkston, in the county of Oakland, to the village of Goodrich, in the county of Genesee, and thence by way of the village of Vassar, in the county of Tuscola, to the village of Lower Saginaw, in the county of

Saginaw, the commissioners appointed by the Governor under act number one hundred and forty-one of the session laws of eighteen hundred and fifty-five, or either of them, are hereby authorized and empowered to select from any unsold or unappropriated government lands within this State, the unselected balance of the half million of acres of land heretofore granted by Congress to this State for purposes of internal improvement: *Provided*, Such unselected balance does not exceed five thousand acres; the same when so selected, to be set apart for the improvement of the highway herein before described, to be expended by the aforesaid commissioners or a majority of them, or in case of their death, resignation or removal, by any others the Governor may appoint in their stead.

Lands selected set apart and appropriated for improvement of road.

Sec. 2. Said lands, when confirmed to the State, shall be held for the specific purpose aforesaid, and it shall be the duty of the commissioner of the State Land Office to withhold the same from market, issuing no certificate of purchase for the same or any part thereof, except upon the order of said commissioners or a majority of them, accompanied by a certificate that the same is in payment of labor actually performed on account of said road, or in payment of commissioners' services, as provided in section four of this act.

Land selected to be withheld from sale.

Sec. 3. Said commissioners shall, by virtue of this act, have the control and management of the improvement herein provided for, and shall have power to let out by contract the opening and improving of said road, in such parts or divisions as they may think expedient, to the lowest bidder, who shall execute and deliver to said commissioners a good and sufficient bond, with satisfactory sureties, and conditioned for the faithful performance of the work stipulated in the contract; *Provided*, That before such letting, the said commissioners shall advertise the proposed jobs for three successive weeks, in some newspaper published in the county where such work is to be done, if a newspaper shall be published in said county, and if not, then by posting up notices in five public places in said county.

Commissioners to have control of improvement.

Proviso.

Sec. 4. Said commissioners shall proceed in the outlay of this appropriation with all diligence and dispatch compatible with proper economy and the best interest of the public, and shall receive for their services a sum not exceeding two dollars per day, which compensation shall be credited and allowed by the Auditor General, upon a bill of such ser-

Duties of commissioners.

Compensation.

vices presented to him, and sworn by the commissioners performing the same to be a true bill of services actually performed by said commissioners, and that all such services were necessary in the proper expenditure of this appropriation; and upon auditing and allowing such bill, the Auditor General shall draw his warrant on the Commissioner of the State Land Office and in favor of such commissioners, for the amount so audited, which amount shall be paid out of lands herein appropriated, computing the same at the rate of one dollar and twenty-five cents per acre.

Commissioners to take oath of office.

Sec. 5. Said commissioners, before entering upon the duties conferred by this act, shall take and subscribe the constitutional oath of office, and file a sufficient bond with the Auditor General, with sureties to be approved by him, conditioned for the faithful discharge of their duties as such commissioners.

Sec. 6. This act shall take immediate effect.

Approved February 16, 1857.

[No. 149.]

AN ACT to amend section five of an act entitled "an act to authorize the formation of county and town agricultural societies," approved February twelfth, eighteen hundred and fifty-five.

Section 5. amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of an act entitled "an act to authorize the formation of county and town agricultural societies," approved February twelfth, eighteen hundred and fifty-five, shall be and the same is so amended that the same shall read as follows: There shall be but one county society in any one county of this State, nor shall there be more than one town society in any one town, village or city, but two or more towns may join and organize a town society for such towns.

Approved February 16, 1857.

[No. 150.]

AN ACT to amend section twenty-six, and repeal sections twenty-seven, twenty-eight and twenty-nine, of chapter one hundred and fifty, title twenty nine, of the Revised Statutes of eighteen hundred and forty-six.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-six, chapter one hundred and fifty, title twenty-nine of the Revised Statutes of eighteen hundred and forty-six, be amended so as to read as follows: "For publishing any other legal notice, or any order, citation, summons, or any other proceeding or advertisement required by law to be published in any newspaper, the costs of publishing such advertisement shall not exceed the rate of fifty cents per folio for the first insertion, and twenty-five cents per folio for each subsequent insertion." Fees for publishing legal notices

Sec. 2. All legal advertisements shall be published in a newspaper printed in the county in which the proceedings are carried on, if there be one, and if no newspaper be printed in such county, then such advertisements shall be published in a newspaper published in an adjoining county, or in a paper published nearest to said county in which such proceedings are had. Legal advertisements to be published in county where proceedings are carried on.

Sec. 3. That sections twenty seven, twenty-eight and twenty-nine of chapter one hundred and fifty of the Revised Statutes, be and the same are hereby repealed, and the foregoing section of this act shall stand as section twenty-seven of said statute. Repeal.

Approved February 16, 1857.

[No. 151.]

AN ACT to authorize the Adrian and Bean Creek plank road company to discontinue a portion of their road, and for other purposes.

SECTION 1. *The People of the State of Michigan enact*, That the Adrian and Bean Creek plank road company may, by a majority vote of the stockholders present of said company, at any regular meeting thereof, discontinue any part of their plank road and remove the plank therefrom, and may also by like vote discontinue their branch of said road and remove the planks therefrom, and also gravel any part of their said plank road or branch thereof. P. R. Co. may discontinue road and remove plank and may gravel.

Parts of
road discon-
tinued to be
recorded.

Sec. 2. In case said company shall, under the provisions of this act, discontinue any part of said plank road or of the branch thereof, the directors of said company shall, within sixty days after the vote discontinuing the same, cause to be recorded in the office of register of deeds in each county wherein any portion of said road or the branch thereof shall be so discontinued, a description of such parts of the said road or of the branch thereof as shall be discontinued; but no part of said road or the branch thereof, which shall be properly graveled, shall be deemed to have been discontinued.

Sec. 3. This act shall take immediate effect.

Approved February 16, 1857.

[No. 152.]

AN ACT to amend an act entitled an act to provide for the discharge of certain duties required to be performed by circuit court commissioners, approved February fourteenth, eighteen hundred and fifty-three.

Section 1
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled an act to provide for the discharge of certain duties required to be performed by circuit court commissioners, be and the same is hereby amended by striking out the word "specially," in line two of said section, so that said section shall read as follows, viz:

Certain
duties to be
performed
by Notary
Public.

"Section 1. *The People of the State of Michigan enact*, That in all cases where, by the laws of this State, any duties are required to be performed by a circuit court commissioner of the proper county, if such circuit court commissioner be an attorney, solicitor, or counsel in such suit or matter, or be a party thereto, or otherwise interested, or unable to act or incapable of acting therein, such duties may be performed by a notary public of such county, being an attorney of the supreme court of this State; or if there be no such notary public in said county, then such duties may be performed by a circuit court commissioner of an adjoining county."

Sec. 2. Said act is further amended by adding thereto a new section to stand as section three, to read as follows, viz:

Proceedings
transferred
in certain
cases.

"Sec. 3. In all cases of proceedings that may have been or shall hereafter be commenced before a circuit court commissioner of the

proper county, or before any notary public, whose term of office shall have expired after the commencement of such proceedings, or whose office shall become vacant, or who shall otherwise become disqualified to act in the premises, such matter or proceeding shall not thereby become discontinued, but such matter or proceeding shall, by virtue of this section, become and be transferred to the circuit court commissioner of the proper county, if there be one qualified to act in that matter or proceeding, who shall be entitled to all papers and records in the case, and be fully authorized to hear, try, determine and dispose thereof, and fully conclude any such proceeding or matter, and to enforce his determination in the same manner as if originally commenced before him; and in case the commissioner of the proper county be not qualified to act in such matter or proceeding, the same may be transferred before, and heard and determined by, any notary public authorized to perform circuit court commissioners' duties under this act, on a like satisfactory showing to such notary public, as required by section two of this act; and any notary acting as such commissioner may issue execution or process to enforce his determinations as commissioners may do; and appeals or removals to the circuit court of the proper county may be taken and had in all cases determined by a notary public, in the same manner as from a commissioner.

Sec. 4. This act shall take immediate effect.

Approved February 16, 1857.

[No. 153.]

AN ACT to provide a fund for the German Colony road in Saginaw county.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of improving the road leading from Lower Saginaw in Saginaw county, by way of Frankenlust, on the Squaquaning creek, to Saginaw city, thence by way of Frankinvost to Frankenmuth, in Saginaw county, there is hereby appropriated, to be expended as hereinafter provided, all the highway tax which may be assessed for the present year, and for the three next succeeding years, upon the lands owned by non-residents upon the line of said road, within the limit of two miles each way from the centre thereof: *Provided*, That if any lot or descrip-

Certain
highway
taxes appro-
priated.

tion, not exceeding eighty acres of land, (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description shall be deemed appropriated as aforesaid.

Certain
highway
commis-
sioners to
act as special
commis-
sioners.

Sec. 2. For the purposes of carrying into effect this act, the highway commissioners of the respective towns through which said road passes, shall be and act as special commissioners to carry into effect the provisions of this act.

List of non-
resident
lands to be
made out.

Sec. 3. It shall be the duty of the commissioners of highways of each of said towns, on or before the first day of May next, to make out a list of all non-resident lands in their respective townships, coming under the provisions of this act, upon the line of that portion of the road lying in their town, and deliver the same to the treasurer of said county, who shall thereupon open an account with the German Colony road fund; and credit the said fund all moneys then in his hands, or which may thereafter may be put into his office as non-resident highway taxes upon any of the lands described in said lists, and which are within the purpose of this act, and shall charge said fund with all moneys which may be drawn from it by the road commissioners of the respective towns in pursuance of the provisions of the next section of this act.

Treasurer
to open ac-
count.

Commis-
sioners to
issue certifi-
cates.

Sec. 4. It shall be the duty of the road commissioners of the said towns respectively, in payment for any labor performed or materials furnished in the improvement of said road under their direction, to issue their certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person) upon the German Colony road fund, and it shall be the duty of the county treasurer of that county to pay the same out of any moneys belonging to that portion of said fund derived from said town from the taxes which come under the provisions of this act.

Compensa-
tion of com-
missioners.

Sec. 5. Said commissioners shall be paid by their respective towns one dollar per day for the time actually employed in carrying out the provisions of this act.

This act shall take effect and be in force from and after its passage.

Approved February 17, 1857.

[No. 154.]

AN ACT to authorize the Detroit, Monroe and Toledo railroad company, to consolidate their stock with the Michigan Southern and Northern Indiana railroad company.

SECTION 1. *The People of the State of Michigan enact, That* the Detroit, Monroe and Toledo railroad company, be and they are hereby authorized by a vote of a majority in interest of the stockholders of said corporation, to consolidate their interest with the Michigan Southern and Northern Indiana railroad company, and to receive the stock of the said last named company, on such terms and conditions as may be agreed upon by said companies.

D. M. & T.
R. R. Co.
may con-
solidate
with M. S.
& N. I. R.R.
Co.

Sec. 2. Such agreement between the two companies shall be made under the provisions of sections fifty, fifty-one and fifty-two of the act to provide for the incorporation of railroad companies, approved February twelfth, eighteen hundred and fifty-five, and shall have all the rights, and be subject to all the liabilities therein imposed.

How agree-
ment made.

Sec. 3. When such agreement shall be made between the two companies, and a counterpart filed in the office of the Secretary of State, this company shall be merged in the Michigan Southern and Northern Indiana railroad company. The said Southern Michigan and Northern Indiana railroad company, and the consolidated company hereby provided for, shall ever keep and maintain their principal office and place of business in this State, at which they shall keep their books and papers.

When com-
pany to be
merged.

Where office
to be kept.

Sec. 4. This act shall take effect and be in force from and after its passage.

This act ordered to take immediate effect.

Approved February 17, 1857.

[No. 155.]

AN ACT to make an appropriation to aid the Michigan State Agricultural Society.

SECTION 1. *The People of the State of Michigan enact, That* there be and is hereby appropriated out of the treasury of this State, the sum of two thousand dollars each year, for the years eighteen hundred and fifty-seven and eighteen hundred and fifty eight, to the Michigan State Agricultural Society, for the payment of premiums, to be paid

Appropriation.

by the State Treasurer to the treasurer of said society, on the warrant of the Auditor General: *Provided*, That the treasurer of said society shall, on or before the fifteenth day of October in each year, make, subscribe and deposit with the Auditor General, his affidavit that said society has raised for the year a like sum of two thousand dollars by voluntary subscriptions and fees of membership.

Approved February 17, 1857.

[No. 156.]

AN ACT to provide for the payment of the expenses of the State government.

State tax to be raised & collected.

SECTION 1. *The People of the State of Michigan enact*, That four-tenths of one mill on the dollar of the aggregate of real and personal estate as equalized by the State Board of Equalization for the year eighteen hundred and fifty-six, be raised and collected upon the taxable property of the State, for each of the years of eighteen hundred and fifty-seven and eighteen hundred and fifty-eight; and the same is hereby appropriated for the payment of the expenses of the State government, the interest upon the State debt not otherwise provided for, and the State debt falling due within said years not otherwise provided for.

Auditor General to apportion tax among counties.

Sec. 2. The Auditor General shall apportion in each year the sums herein directed to be raised among the several counties, in proportion to the taxable property therein, as determined by the State Board of Equalization, and he shall, on or before the fifteenth day of September in each year, make out and transmit to the clerks of the several boards of supervisors, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Board of supervisors to apportion tax to towns

Sec. 3. The Board of Supervisors shall, at their annual session in each year, ascertain and determine the amount of money to be raised by tax for county purposes in their respective counties, and apportion such amount and also the amount of State tax apportioned to their respective counties by the Auditor General, among the several townships of the county, in proportion to the valuation of the taxable property therein,

as equalized by the board of supervisors for said year, which determination and apportionment shall be entered at large on their records.

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 157.]

AN ACT to provide for laying out, establishing and improving a State road in Clinton, Gratiot, Shiawassee, Saginaw and Genesee counties.

SECTION 1. *The People of the State of Michigan enact*, That the Governor be and he is hereby authorized to appoint three commissioners to lay out, establish and improve a State road, commencing at the Maple river in Duplain, Clinton county, at the point where the river breaks through the Chesaning ridge, and following the course of said ridge through the corner of Gratiot county, into and across Shiawassee and Saginaw counties to the Shiawassee river in said Saginaw county, thence easterly on said ridge, if it shall be found the most eligible route, to the Flint river, in Genesee county, terminating on said river near the south line of the town of Montrose.

Sec. 2. It shall be the duty of said commissioners, or a majority of them, on or before the first day of June, A. D. eighteen hundred and fifty-seven, to assemble and proceed to lay out said road, and survey the same, and cause the same to be filed with the township clerk of each of the respective townships on the line thereof, so far as said road shall run through each of the respective townships, whose duty it shall be to record the same, and such record shall be prima facie evidence of the existence of said road.

Sec. 3. For the purpose of improving said road, there shall be appropriated all such of the non-resident highway taxes of the year A. D. eighteen hundred and fifty-seven, and for two years thereafter, as may be assessed upon any legal sub-division of land, an equal or greater part of which shall be within two lines running parallel with and distant, each, one mile from the line of said road, in the township through which it may be laid out.

Sec. 4. The commissioners hereby appointed, shall be governed by the same laws in the laying out and improving said road, as at that time

to be
governed.

govern the acts of township highway commissioners in laying out and opening new roads.

Oath of
office.

Sec. 5. It shall be the duty of said special commissioners, before entering upon the duties of their offices, to take and subscribe an oath to faithfully perform the duties herein assigned them, and shall file the same in the office of the county clerk of their respective counties, and each of them deliver to the county treasurers of said counties a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be by him approved, conditioning for the faithful performance of all the duties imposed upon them by the provisions of this act; and in default thereof, it shall be the duty of said county treasurer to prosecute the same, as bonds are prosecuted against county officers.

Bond.

Condition.

Commis-
sioners to
make out
list of non-
resident
lands.

Sec. 6. It shall be the duty of said special commissioners, on or before the fifteenth day of June next, to make out a list of all non-resident land coming under the provisions of this act, and deliver the same to the county treasurer in each of the counties in which the said lands lie, who shall thereupon open an account with said commissioners, and credit to said commissioners all moneys then in their hands, or which may hereafter be paid in their offices, as non-resident highway taxes upon any of the lands described in said list, and charge said commissioners all moneys which may be drawn by them.

To issue
certificates
for labor &
materials.

Sec. 7. It shall be the duty of said special commissioners, in payment of any labor performed, or materials furnished, in the laying out and improvement of said road, to issue their certificates to any person or persons to whom they may be indebted for the same, certifying the facts in the case as they exist, and draw therefor upon the State road fund provided for by this act, and it shall be the duty of said county treasurers to pay the same out of any moneys to the credit of said fund, and charge the same as provided in section six of this act.

Line of
township
highway
may be
adopted.

Sec. 8. The said special commissioners shall have the right to adopt the line and improve any township highway that may be now established on the proposed line of this State road.

Compensa-
tion.

Sec. 9. The above named commissioners shall be entitled to receive for any services rendered in the discharge of any of the duties imposed by this act, a compensation not exceeding one dollar and fifty cents per diem for the time employed in the discharge of such duties; and their accounts, verified by their oaths, shall be audited by the board of super-

LAWS OF MICHIGAN.

407

visors of their respective counties, and paid out of any money to the credit of said State road fund.

Sec. 10. The right of way for the said road through any lands belonging to the State, be and is hereby granted and confirmed to the township through which such road runs. Right of way thru State lands granted.

Sec. 11. The State shall not be liable for any expense incurred or damage sustained by reason of this act. State not liable for expenses.

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 158.]

AN ACT to amend chapter one hundred and twenty-two of the revised statutes.

SECTION 1. *The People of the State of Michigan enact*, That section four of chapter one hundred and twenty-two of the revised statutes be amended by adding to said section, after the words "sheriff of the county," in the second line of said section four, the words following, to wit: "or any constable thereof," so that said section as amended shall read as follows, to wit: Section 4 amended.

"Sec. 4. The officer to whom such application shall be made shall thereupon issue his warrant to the sheriff of the county, or any constable thereof, commanding him to seize and safely keep such ship, boat or vessel, her tackle, apparel and furniture, to answer all such liens as shall be established against it according to law, and to make return of his proceedings under such warrant to the said officer, within ten days after such seizure." Warrant to be issued.

Sec. 2. Section fifteen of said chapter is hereby amended by adding thereto the words; "and the said officer shall have full power to hear, try and determine any such suit which may be commenced on such bond," so that the same as amended shall read as follows, to wit: Section 15 amended.

"Sec. 15. Every such bond shall be held for the common benefit of all the attaching creditors, and may be prosecuted by any of them jointly, or by any one of them separately in respect to his separate demand; and the said officer shall have full power to hear, try and determine any such suit which may be commenced on such bond: *Provided*, Bond to be held for benefit of all attaching creditors. Provide.

That nothing herein contained shall prevent any creditor from bringing suit upon such bond before any justice of the peace."

Section 17
amended.

Sec. 3. Section seventeen of said chapter is hereby amended by adding thereto the words following: "Except, however, that no stay to such execution so obtained shall be allowed;" so that the same as amended shall read as follows:

File.

"Sec. 17. To such declaration the defendant may plead as in other actions on bonds, and may plead to such assignment of breaches; and the same proceedings shall be had on such bond, as provided by law on bonds with other conditions than for the payment of money; and the damages may be assessed, and judgment rendered, and execution be had thereon for such damages, in the same manner, except, however, that no stay to such execution so obtained shall be allowed."

This act shall take effect immediately.

Approved February 17, 1857.

[No. 159.]

AN ACT to change the name and terminus of the Hamtramck and Utica Plank Road Association.

Hamtramck
and Utica P.
R. associa-
tion.

SECTION 1. *The People of the State of Michigan enact:* That the name of the Hamtramck and Utica Plank Road Association, be changed to that of the Hamtramck and Warren Plank Road Association, and that the northern terminus of said road shall be at Red Run, in the township of Warren.

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 160.]

AN ACT supplementary to an act entitled an act to incorporate the city of Port Huron, approved February fourth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact,* That the act entitled an act to incorporate the city of Port Huron, approved

February fourth, eighteen hundred and fifty-seven, be and the same ^{Immediate} is hereby ordered to take immediate effect. _{effect.}

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 161.]

AN ACT to provide for the laying out, establishing and construction of a certain State road in the counties of Tuscola and Saginaw.

SECTION 1. *The People of the State of Michigan enact, That* ^{Commissioners ap-} Frederick Schilling and Archibald Black, of Tuscola county, and Mor- _{pointed.} gan L. Gage of the county of Saginaw, be and they are hereby appointed commissioners to lay out, establish and construct a State road, commencing in the said county of Tuscola, at the north-west corner of section four (4), in township fifteen north, of range nine east; thence running south-west in a straight course to the south-west corner of section ten, in township fourteen north, of range eight east; thence diagonally to the south-west corner of section ten, in township twelve north, of range six east, intersecting the "Watrousville road," (leading from Watrousville, in the county of Tuscola, to Lower Saginaw, in the county of Saginaw), and continuing in like course to the east and west quarter line of section twenty, town twelve north, of range six east; thence in a western course on said quarter line to the village of East Saginaw, in the county of Saginaw. ^{Route of road.}

Sec. 2. It shall be the duty of said commissioners, or a majority of them, on or before the first Monday of June, A. D. one thousand eight hundred and fifty-seven, to assemble at the house of Charles Post, in the town of Blumfield, in Saginaw county, and proceed to lay out and establish said road, and cause the same to be surveyed, and cause a description thereof to be filed with the township clerk of each of the respective townships on the line thereof, so far as said road shall run through each of the respective townships, whose duty it shall be to record the same, and such record shall be prima facie evidence of the existence of said road. ^{Duties of commissioners.}

Sec. 3. The right of way for such road through any lands belonging to the State, be and is hereby granted and confirmed to the townships in which such lands shall lie, for the purposes of said road. ^{Right of way thro' State lands granted.}

Compensation of commissioners.

Sec. 4. The said commissioners shall be paid each the sum of one dollar and fifty cents per day for their services, and the same shall be paid by the respective townships through which said road shall run.

Duties of highway commissioners.

Sec. 5. It shall be the duty of the commissioners of highways, in any organized township through which said road shall pass, to open and work the same, in the same manner, and by virtue of the same laws as township roads are required to be opened and worked.

Proceedings on claim of damages.

Sec. 6. That in all cases in which damages may be claimed by reason of the laying out and establishing of said road, the same proceedings shall be had thereon as may be required by the laws in force at the time such claim is made for the assessment of damages in case of roads laid out by township commissioners.

State not liable for expenses.

Sec. 7. The State shall not be liable for expenses incurred or damages sustained by reason of this act.

Approved February 17, 1857.

[No. 162.]

AN ACT to establish a highway from the village of Mount Clemens to the township of Sterling, in the county of Macomb.

SECTION 1. *The People of the State of Michigan enact, That the present traveled road leading from the village of Mount Clemens, on the south side of Clinton river, through the village of Frederick, and on the line dividing the farms of Joseph Cole and Luman Harvey, to the township line of the township of Sterling, in the county of Macomb, shall be and remain a public highway.*

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 163.]

AN ACT to provide for the organization of Protestant Episcopal Churches.

Mode of organizing churches.

SECTION 1. *The People of the State of Michigan enact, That it shall be lawful for any six or more persons, professing attachment to the Protestant Episcopal Church, to execute and acknowledge, before any person authorized to take acknowledgments of deeds, one or more*

duplicate articles of agreement in writing, whereby they shall agree to organize a church according to the usages of the Protestant Episcopal Church, by the name and style set forth in such articles; and upon the execution and acknowledgement thereof, as herein provided, such church shall become a body politic and corporate, by the name set forth in said articles, in accordance with the canons, doctrines, discipline and worship of the Protestant Episcopal Church.

Sec. 2. Said articles shall contain:

What the
articles of
association
to contain.

1. The name of the proposed church:

2. The township or city, and county, in which it is located:

3. The number of vestrymen, not exceeding ten, who shall have charge of the affairs of such church, and the time of the annual meeting, which shall be in Easter week; and no church shall be organized in any township or city bearing the same name with any other Protestant Episcopal Church theretofore organized therein.

Sec. 3. Such articles of agreement, when duly signed and acknowledged, shall be recorded in the office of the county clerk of the county in which such church is located; and it shall not be lawful for such church to acquire the title to any property until such articles are recorded.

Articles to
be recorded.

Sec. 4. Any three or more persons who have signed any such articles may call the first meeting of such church at such time and place as they may see fit, by publishing notice for ten days previous to the time of such meeting, in some newspaper published in the city or township in which such church is located, and if no newspaper is published therein, then such notice may be given by posting the same in three of the most public places in such city or township; and at such meeting the affidavit of such posting or publishing shall be produced, and recorded in the minutes. *And it is further provided,* That at such meeting, in addition to the signers of such articles, any male person of full age shall be entitled to vote who shall sign a declaration in writing, to be kept in the book of minutes, whereby he shall signify his intention of attaching himself to said church, and accepting the terms of such articles. Vestrymen of the church shall be elected at said meeting, or any adjournment thereof.

Who may
call first
meeting.

Notice.

Proviso.

Sec. 5. At all subsequent meetings, the right of voting shall be confined to the persons who became actually entitled to vote at the first

Who may
vote.

Annual
meeting

meeting, and to such others, male persons of full age, as have, during the year previous, been stated worshipers in such church, and owned or rented a seat therein, or been stated contributors to its support. The annual meeting shall take place at such time in Easter week as shall be fixed in said articles; and at such annual meeting an election of vestrymen shall be had, to serve until the next annual meeting, and until their successors shall be chosen.

Vestrymen
may appoint
wardens,
secretary &
treasurer.

Vestry meet
ing; by
whom call-
ed.

Rector to
preside.

Vacancies
in vestry;
how filled.

Vestry to
manage
temporal
affairs.

Sec. 6. The vestrymen shall choose two of their number to be wardens. They may also appoint a secretary and treasurer from their own number, and may employ such other agents and servants as they may see fit. Meetings of the vestry may be called by the rector of the church, or by either warden, or by any two other vestrymen, and a majority in number of the vestrymen elected shall constitute a quorum for the transaction of business. The rector, when present, shall preside at all vestry meetings, but shall have no vote, except a casting vote, in case of a tie; and in his absence from a meeting, one of the wardens, if present, shall preside. All vacancies in such vestry may be filled by the vestrymen at any meeting, and the persons elected to fill such vacancies shall hold for the same period as their predecessors would have done.

Sec. 7. All the temporal affairs of such churches shall be managed by the vestrymen thereof, and they shall have authority to erect, alter, repair, enlarge, and, in case they deem it necessary, take down or remove and rebuild any church or other building belonging to such corporation; and no owner of any pew or slip in such church shall be held to be the owner of any interest in the land whereon the same is erected. It shall be lawful for such corporations to hold such amount of real estate as shall be reasonably necessary for a church, and lecture or school room, and dwellings for the ministers thereof; but it shall not be lawful for such corporations to hold or use any real estate for any other purpose.

This act shall take effect immediately.

Approved February 17, 1857.

[No. 164.]

AN ACT to repeal chapter 25 of the revised statutes of 1846; also act 88, entitled an act to amend chapter 25 of the revised statutes of 1846, relative to laying out, altering and discontinuing highways, approved March 18, 1848; also act No. 72, entitled an act to amend chapter 25 of the revised statutes of 1846, approved March 15, 1848, and to provide for altering, laying out and discontinuing highways.

SECTION 1. *The People of the State of Michigan enact, That* ^{Application to have road laid out, altered or discontinued.} whenever any ten frecholders or more persons in any township liable to be assessed for highway labor, shall wish to have a highway in such township laid out, altered or discontinued, they may by writing, under their hands, make application to the commissioners of highways of the township for that purpose, who shall proceed to lay out, alter, or discontinue such highway as hereinafter directed: *Provided, That* ^{Proviso.} no second application shall be made within twelve months for the same purpose.

Sec. 2. Whenever the commissioners of highways shall be applied ^{Survey of road.} to, as mentioned in the preceding section, to alter, lay out or discontinue any highway, they shall cause an accurate survey to be made of such road, and shall incorporate such survey in an order to be signed ^{Order, &c.} by them, and shall cause such order to be filed in the office of the township clerk, who shall note upon the order the time of filing the same.

Sec. 3. It shall be the duty of the township clerk whenever any ^{Copy of order to be posted.} order of the commissioners for altering, laying out or discontinuing any road, shall be received by him, forthwith to post a copy of such order on the outer-door of the house or building where the township meeting is usually held, or if there be no such building, then in three public places in the township.

Sec. 4. The commissioners, or one of them, shall, within five days ^{Application to justice of the peace for appointment of jury.} after recording the survey order, as provided in the preceding section, make application to a justice of the peace of the same or an adjoining township, for the appointment of a jury of twelve freeholders of the county, to ascertain the necessity of altering or laying out such road, and to appraise the damage thereon, which application shall be in writing, and describe the premises through which it is proposed to alter or lay out such highway.

Oath of office and bond. shall, before entering upon the duties of their office, subscribe the oath,

and file the bond, as are by the provisions of the above recited act made necessary, and shall, in expending said balance, be directed by and subject to the provisions of said act not contravening the provisions of this act: *Provided*, That one-half of said unexpended balance shall be expended in the county of Lapeer.

Repeal. Sec. 3. That all the provisions of the act to which this act is supplementary, contravening the provisions of this act, be and the same are hereby repealed.

Approved February 17, 1857.

[No. 167.]

AN ACT in relation to vacancies in county offices filled by appointment by the Governor.

County officers appointed by Governor to hold till expiration of term.

SECTION 1. *The People of the State of Michigan enact*, That whenever a vacancy shall occur in any county office, and such vacancy shall have been filled by appointment by the Governor, such appointment shall continue, and the person so appointed shall hold said office during the unexpired portion of the regular term limited to such office, unless the Governor shall sooner revoke and determine such appointment.

Repeal. Sec. 2. That all acts and parts of acts which in any wise contravene the provisions of this act, be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 168.]

AN ACT to provide for the incorporation of villages.

Villages may be incorporated.

SECTION 1. *The People of the State of Michigan enact*, That any part of a town or towns not included in any incorporated village, and containing a resident population of not less than three hundred persons, and it shall include within its boundaries a territory of not more than one square mile in extent, containing a resident population of at the rate of not less than three hundred persons to every square mile of

territory included within such boundaries, may be incorporated as a village under the provisions of this act.

Sec. 2. Any number of legal voters, not less than fifteen, residing within such territory, may make application for the incorporation of such village to the board of supervisors of the county in which such territory or the larger part thereof may be situated, at any regular session of such board. Application to board of supervisors.

Sec. 3. Such persons shall, before making such application, cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than ten weeks previous to the time of presenting such application, as hereinafter provided; which census shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to such family; and it shall be verified by the affidavit of the person taking the same, written thereon or annexed thereto. Census.

Sec. 4. The persons intending to make such application shall give notice that they will apply to the board of supervisors of the county in which such territory shall lie, or if it shall lie in more than one county, to the board of supervisors of one of such counties, to be named in such notice, on some day therein specified, for an order incorporating such territory as a village; such notice shall describe the boundaries, or give some other proper description of such territory, and by specifying the town or towns in which it lies. Notice of application.

Sec. 5. If there be a newspaper printed within such territory, such notice shall be printed therein once in each week for four successive weeks previous to the time therein specified for making such application; and if there shall be no such paper, such notice shall be posted in at least five public places in such territory, at least four weeks before the time so specified therein. How given.

Sec. 6. Such application shall be by petition, subscribed by the applicants, who shall be residents of such territory, describing such territory and setting forth the number of persons residing therein according to such census; such census and the affidavit verifying the same, and a copy of the notice herein required, with an affidavit of posting or publishing the same as aforesaid, shall be annexed to such petition; and it shall be presented at the time specified in such notice, or as soon thereafter as the applicants can be conveniently heard in respect thereto. How application made.

Width of
roads.

Sec. 14. Public roads to be laid out according to the provisions of this act shall not be less than three rods wide, except in cities and villages where the commissioners or other proper authorities may otherwise determine.

Notice of
meeting of
commis-
sioners.

Sec. 15. Whenever commissioners of highways are applied to as provided in section one of this act to discontinue a road, they shall give at least ten days' notice, in writing, to the owners or occupants of land through which such road runs, of the time when and place where they will meet for that purpose; and in case such land or any part is unoccupied, such notice may be given by posting up the same in three public places in the township. In case the commissioners shall deem it advisable to discontinue such road, they shall make and sign an order to that effect, and cause the same to be filed in the office of the township clerk, from and after the time of filing which, such road shall cease to be a public highway.

Notice; how
given.

Private
roads; how
laid out.

Sec. 16. Any person or persons wishing to have a private road opened, shall cause an accurate survey to be made thereof and filed in the office of the township clerk; application may then be made to a justice of the peace, as in case of public highway, for the appointment of jurors, who shall be appointed in the same manner, and all the subsequent proceedings shall be the same as in laying out public highways, except that the applicant or applicants shall act in the place of highway commissioners, and the amount of damages appraised in consequence of the opening thereof, together with the expenses of all proceedings, shall be paid by the person or persons to be benefitted thereby, before said road shall be opened or used.

Damages &
expenses of
laying out or
altering
high way in
cities or vil-
lages; how
collected.

Sec. 17. Whenever a highway is altered or laid out in a city or village and the damages therefor appraised, and the doings of the jury filed in the office of the township clerk, as is required in section eight of this act, it shall be the duty of the township clerk to certify a copy of the same to the supervisor of the township, who shall proceed to assess the amount thereof upon the taxable property of the township, and shall on his warrant to the township treasurer, direct him to pay the amount so appraised to the order of the person or persons to whom the same is made payable in the return of the jury.

Upon alter-
ing or lay-
ing out

Sec. 18. Whenever a public highway shall have been altered or laid out according to the provisions of this act, the commissioners of

highways shall give the owners or occupants of the land through which said road shall have been laid out or altered, notice thereof in writing, requiring him or them to remove his or their fence or fences within such time as they shall deem reasonable, not less than sixty days after giving such notice, and in case such owner or occupant shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said commissioners shall have full power and authority, and it shall be their duty to enter with such aid and assistance as shall be deemed necessary, upon the premises, and remove such fence or fences, and open such highway without delay, after the time specified in such notice shall have expired: *Provided*, No person shall be required to remove his fence or fences between the first day of April and the first day of November.

highway—
fences to be
removed.

Duties of
Commissioners upon neglect
or refusal of
owner or
occupant to
remove
fences.
Proviso.

Sec. 19. If any discontinued highway shall be attached to a tract of land through which a new highway shall be laid out, the same may be taken into consideration in estimating the damages sustained by the owners; and in estimating the damages which may be sustained by any person owning or interested in said lands, by reason of laying out or altering any highway, the benefit which such person shall receive thereby, shall be taken into consideration.

How damages estimated when discontinued highway attached to land through which new highway is laid out.

Sec. 20. That all highways heretofore regularly laid out and established in pursuance of existing laws or statutes heretofore passed by the Legislature and approved by the Governor, are hereby declared to be legal highways.

What highways to be deemed public roads

Sec. 21. The commissioners of highways, or one of them, may, instead of making application for the appointment of jurors, as is provided in section four of this act, make application to any court of record for the appointment of three commissioners, whose duty it shall be to ascertain the necessity of altering or laying out said road, and to appraise the damages thereon, if any is claimed; the application shall be in writing, and describe the premises proposed to be taken for such highway purposes, and notice thereof shall be given at least five days previous to making such application to the owners or occupants of the lands described in the application, and such notice may be served by the highway commissioners in the same manner as provided in section five of this act.

Commissioners may apply to court of record for appointment of commissioners.

Duty of commissioners.

How application made.
Notice.

Service of notice.

Sec. 22. The commissioners so appointed shall be sworn to ascertain

Commissioners

Commissioners to be sworn.

Proceedings of commissioners.

To make return.

Contents of return.

Compensation of commissioners.

Damages, costs and expenses; how collected.

Repealing clause.

the necessity for altering or laying out the road described in the application, and justly and impartially to appraise the damages thereon, if any is claimed. They shall then proceed to view the premises, and shall within five days thereafter make return of their doings, in writing, signed by them, to the township or village clerk or recorder, which return shall state if such road is altered or laid out, the necessity therefor, the amount of the damages appraised thereon, to whom payable, if known; and shall be filed in the office of the township or village clerk or recorder. The said commissioners shall be entitled to the same compensation as jurors are entitled to under the provisions of this act. The damages appraised by said commissioners, together with all the costs of the proceeding, shall be levied, collected and paid in the manner prescribed by this act.

Sec. 23. All acts or parts of acts contravening the provisions of this act are hereby repealed.

This act shall take effect immediately.

Approved February 17, 1857.

[No. 165.]

AN ACT to provide for laying out and establishing a State road in the county of Lapeer.

Commissioners appointed.

Route of road.

SECTION 1. *The People of the State of Michigan enact, That James S. Deming, Harvey Marsh and Zebard June, be and they are hereby appointed commissioners to lay out and establish a State road commencing on the township line between the townships of Attica and Arcade, at or near the south-west corner of section number thirty-six (36), in township number eight (8), north of range number eleven (11) east, in the county of Lapeer, thence running north on the section line as nearly as the nature of the ground will permit, to a point intersecting the line of the State road in the counties of St. Clair, Sanilac and Tuscola.*

Duty of Commissioners in laying out road.

Sec. 2. It shall be the duty of said commissioners or a majority of them, on or before the first day of October next, to assemble and proceed to lay out and establish said road, and cause the same to be surveyed, and a description thereof to be filed with the township clerk of each of the respective townships on the line thereof, so far as the line of said road

shall run through each of the respective townships, whose duty it shall be to record the same, and such record shall be prima facie evidence of the legal existence of said road.

Sec. 3. The right of way for such road through any of the lands of this State through which the same may run, is hereby granted and confirmed to the township or townships in which such land may lie.

Right of
Way thro'
State lands
granted.

Sec. 4 That in all cases in which damages may be claimed by reason of the laying out and establishing of said road, the same proceeding shall be had thereon as may be required by the laws in force at the time such claim is made, for the assessment of damages, in case of roads laid out by township highway commissioners.

Proceedings
when dam-
ages are
claimed.

Sec. 5. That the State shall not be liable for any expense or damage sustained by reason of this act.

State not
liable for
expenses.

Approved February 17, 1857.

[No. 166.]

AN ACT supplementary to an act appropriating certain internal improvement lands for laying out and improving a State road from Lapeer, in Lapeer county, by the village of Almont, to St. Clair, in St. Clair county, and which by intersecting with the Fort Gratiot turnpike, shall open a communication from the village of Almont to the village of Port Huron.

SECTION 1. *The People of the State of Michigan enact,* That the amount of the balance of the unexpended appropriation, if any, of an act appropriating certain internal improvement lands for laying out and establishing a State road from Lapeer, in Lapeer county, by the village of Almont, to St. Clair, in St. Clair county, and which, by intersecting with the Fort Gratiot turnpike, shall open a communication from the village of Almont to the village of Port Huron, approved March 31, 1848, be and the same is hereby appropriated for the purpose of opening a public highway from a point at or near the north-east corner of the township of Attica, being town seven north, of range eleven east, in the county of Lapeer, to a point intersecting the Port Huron plank road, at or near Brockway's mill, in the county of St. Clair.

Appropriation of in-
ternal im-
provement
lands.

Route of
road.

Sec. 2. That for the purpose of carrying the provisions of this act into effect, Lewis Brockway, of St. Clair county, and Daniel C. Bacon, of Lapeer county, are hereby appointed special commissioners, who

Commis-
sioners ap-
pointed.

Oath of office and bond. shall, before entering upon the duties of their office, subscribe the oath,

and file the bond, as are by the provisions of the above recited act made necessary, and shall, in expending said balance, be directed by and subject to the provisions of said act not contravening the provisions of this act: *Provided*, That one-half of said unexpended balance shall be expended in the county of Lapeer.

Repeal. Sec. 3. That all the provisions of the act to which this act is supplementary, contravening the provisions of this act, be and the same are hereby repealed.

Approved February 17, 1857.

[No. 167.]

AN ACT in relation to vacancies in county offices filled by appointment by the Governor.

County officers appointed by Governor to hold till expiration of term. SECTION 1. *The People of the State of Michigan enact*, That whenever a vacancy shall occur in any county office, and such vacancy shall have been filled by appointment by the Governor, such appointment shall continue, and the person so appointed shall hold said office during the unexpired portion of the regular term limited to such office, unless the Governor shall sooner revoke and determine such appointment.

Repeal. Sec. 2. That all acts and parts of acts which in any wise contravene the provisions of this act, be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 168.]

AN ACT to provide for the incorporation of villages.

Villages may be incorporated. SECTION 1. *The People of the State of Michigan enact*, That any part of a town or towns not included in any incorporated village, and containing a resident population of not less than three hundred persons, and it shall include within its boundaries a territory of not more than one square mile in extent, containing a resident population of at the rate of not less than three hundred persons to every square mile of

territory included within such boundaries, may be incorporated as a village under the provisions of this act.

Sec. 2. Any number of legal voters, not less than fifteen, residing within such territory, may make application for the incorporation of such village to the board of supervisors of the county in which such territory or the larger part thereof may be situated, at any regular session of such board. Application to board of supervisors.

Sec. 3. Such persons shall, before making such application, cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than ten weeks previous to the time of presenting such application, as hereinafter provided; which census shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to such family; and it shall be verified by the affidavit of the person taking the same, written thereon or annexed thereto. Census.

Sec. 4. The persons intending to make such application shall give notice that they will apply to the board of supervisors of the county in which such territory shall lie, or if it shall lie in more than one county, to the board of supervisors of one of such counties, to be named in such notice, on some day therein specified, for an order incorporating such territory as a village; such notice shall describe the boundaries, or give some other proper description of such territory, and by specifying the town or towns in which it lies. Notice of application.

Sec. 5. If there be a newspaper printed within such territory, such notice shall be printed therein once in each week for four successive weeks previous to the time therein specified for making such application; and if there shall be no such paper, such notice shall be posted in at least five public places in such territory, at least four weeks before the time so specified therein. How given.

Sec. 6. Such application shall be by petition, subscribed by the applicants, who shall be residents of such territory, describing such territory and setting forth the number of persons residing therein according to such census; such census and the affidavit verifying the same, and a copy of the notice herein required, with an affidavit of posting or publishing the same as aforesaid, shall be annexed to such petition; and it shall be presented at the time specified in such notice, or as soon thereafter as the applicants can be conveniently heard in respect thereto. How application made.

Proceedings
of board of
supervisors.

Sec. 7. The board of supervisors shall hear all the parties interested therein, who shall appear and ask to be heard; it may adjourn the hearing from time to time; it may direct that a new census be taken, and appoint a person or persons to take the same; and said board may refer any question that may arise in respect to such application to three disinterested commissioners, appointed by such board, who shall examine and report thereon.

Ib.

Sec. 8. If such board, after hearing the parties, shall be satisfied that all the requirements of this act in respect to such application have been complied with, and that such territory contained the population required by this act, it shall make an order declaring that such territory shall be an incorporated village, by the name specified in such application, or by such other name as to such board shall seem proper; and said board shall in such order appoint three inspectors of election to hold the first election required by this act; said board shall also appoint the time and place of holding the said first election.

Notice of
first election

How given.

Sec. 9. The inspectors so appointed shall immediately give notice of the time and place of holding such election, and the officers to be elected at such election, by posting up written notices thereof in at least three public places in such territory, at least three weeks previous to the day appointed for holding the same, or by publishing the same in some newspaper printed in such territory for three successive weeks immediately preceding the time aforesaid. At such election the polls shall be opened at ten o'clock in the forenoon, and shall close at four o'clock in the afternoon.

Inspectors
and officers
of election.

Sec. 10. Such inspectors shall preside and act as inspectors at such meeting; the president and trustees, or any three of them, may preside at every subsequent election; the clerk of said village may be clerk thereof, and all the laws of this State in relation to the election of township officers, canvass of votes, certifying the election of officers, and notifying them of their election, shall apply to such first election and to all subsequent elections of officers in such village, so far as the same may be applicable and not inconsistent with the provisions of this act.

Who qualifi-
ed electors.

Sec. 11. Every elector residing in such territory, and qualified to vote for township officers in the township in which such territory or some part thereof may be situate, may vote at all elections in said village.

Canvass of
votes.

Sec. 12. The inspectors at such first election, and at all subsequent

elections, shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; which certificate shall be recorded in the records of said village.

Sec. 13. No person not an elector shall be eligible to any office under the provisions of this act, and the persons eligible, and having the greatest number of votes at any election herein provided for, shall be declared elected; and if two or more shall have an equal and the greatest number of votes, the officers presiding at such election shall forthwith determine by lot which shall be deemed elected. Eligibility to office.

Sec. 14. Every person elected at any election under the provisions of this act, and whose name is entered on the poll list as a voter thereat, shall be deemed notified of his election; and every person so elected whose name shall not be so entered shall be notified of his election within ten days thereafter; and if elected at such first election, such notice shall be given by the inspectors presiding thereat; and if elected at any subsequent election, he shall be notified by the clerk of such village. Notice to persons elected.

Sec. 15. The officers first elected shall hold their offices until the first Tuesday in March following their election, and those subsequently elected (except the clerk), shall hold their respective offices until the first Tuesday in March following their election, and until their successors are elected and qualified. Terms of office.

Sec. 16. Elections for officers (except at the first election) shall be held on the first Tuesday in March, in each year, at such place as shall be designated by the board of trustees. Annual elections; when held.

Sec. 17. The officers of such village shall be a president, six trustees, two assessors, one marshal, one treasurer, one clerk, three street commissioners, such number of fire wardens as the board of trustees may from time to time direct, not exceeding five, and one pound master. Village officers.

Sec. 18. Every officer elected in such village, shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, before any person authorized to administer oaths, and file the same with the clerk of such village. Oath of office.

Sec. 19. The board of trustees may order a special election to fill any vacancy that may occur in any of the offices mentioned in this act, but no special election shall be held until at least ten days' notice shall Special elections to fill vacancies.

have been given of the time and place of holding the same, as herein provided.

Notice of elections.

Sec. 20. It shall be the duty of the clerk of said village to give at least ten days' notice in writing, by posting the same in at least three public places in said village, of the time and place of holding all elections.

Duties of president & clerk.

Sec. 21. It shall be the duty of the president to preside at all meetings of the electors and of the board of trustees, and the clerk shall keep a fair and accurate record of the proceedings.

President and trustees to be body corporate.

Sec. 22. The president and trustees of such village, when organized as hereinbefore provided, shall be a body corporate and politic, with perpetual succession, to be known by the name designated as aforesaid, and by that name shall be known in law, and shall be capable of suing and being sued, of pleading and being impleaded in all courts and places, and may have a common seal, and may alter and change the same at pleasure, and may purchase, hold and convey real and personal estate, for the use of such corporation.

Powers of president and trustees to raise tax.

Sec. 23. The president and trustees shall have power to raise by general tax levied upon the taxable property liable to be assessed in such village, not exceeding one per cent. in any one year, for the following purposes:

1. For paying the expenses of procuring such village to be incorporated:
2. For purchasing fire engines and the necessary apparatus therefor, and implements for hook and ladder companies; but no tax shall be raised for procuring more than one fire engine unless the population of such village shall be more than one thousand persons:
3. For purchasing or leasing the necessary ground and erecting a suitable engine house for every fire engine and its apparatus so procured, or for hiring suitable places for keeping them:
4. For making and maintaining such public wells, cisterns and other reservoirs of water, and for procuring the necessary fixtures therefor as may be deemed necessary:
5. For procuring the necessary ground and erecting a pound for the use of such village and for keeping the same in repair:
6. For purchasing, fencing, ornamenting and improving ground for a cemetery or burial place:

7. For laying out, opening, improving and working the highways, streets, lanes and alleys in such village:

8. For making and repairing side and cross walks, and improving the public grounds:

9. For incidental expenses.

Sec. 24. All taxes raised in such village shall be assessed and collected in conformity, so far as practicable, with the provisions of law in respect to the assessment and collection of taxes by supervisors and town treasurers.

How taxes assessed and collected.

Sec. 25. The treasurer and marshal of such village shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the president and trustees may direct and require.

Treasurer and marshal to give security.

Sec. 26. The president and trustees shall have power to appoint all other officers necessary, under the provisions of this act, for said village, whose elections are not herein provided for; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to the time and manner of working upon the streets, commons, lanes and alleys; relative to the time and manner of assessing, levying and collecting all highway and other taxes; relative to the prevention, removal and abatement of nuisances; to construct sewers, cisterns and reservoirs; to dig and maintain public wells; to license showmen; to suppress gaming; to compel the owners of buildings to procure and keep fire buckets; to regulate bridges; to protect the property of the citizens of such village from fires; relative to the calling of meetings of the electors; relative to the keeping and sale of gunpowder; relative to the restraining of swine, horses and other animals from running at large in the streets, commons, lanes and alleys; to establish, maintain and regulate one or more pounds; to suppress billiard and other gaming tables kept for hire, gain or reward; for the suppression of riots; for preventing and suppressing disorderly houses, or houses of ill fame; for the apprehension and punishment of vagrants, drunkards and idle persons; to regulate the measurement of firewood and the weighing of hay; to prescribe stands for carts or drays, and for wood, hay and produce exposed for sale; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering the streets, side-walks, alleys or public grounds, and to reg-

Powers of president & trustees relative to appointments. By laws.

Taxes. Nuisances.

Sewers, &c. Wells

Showmen. Gaming. Fire buckets

Bridges. Fires. Public meetings.

Gunpowder. Running at large of animals.

Pounds. Billiards.

Riots. Disorderly houses.

Vagrants, &c. Firewood & hay

Stands for carts, &c. Immoderate driving.

Encumbrances to

streets, &c. -
 Cemeteries.
 Shade trees. to regulate all grave yards and cemeteries within or belonging to said village; to preserve shade and ornamental trees, and to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and its inhabitants, not inconsistent with the provisions of this act or the laws of this State: *Provided*, That no by-law or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by posting up in at least three public places in said village.

Powers of
 president &
 trustees in
 relation to
 streets, &c.

Proceedings
 when
 private
 property is
 required for
 public use.

Sec. 27. The president and trustees shall have power to lay out and establish, open, make and alter such streets, lanes and alleys, sidewalks, highways, water courses and bridges, as they may deem necessary for the public convenience; and if they shall require the lands of any person for such purpose, the said president and trustees shall give notice to the owner or party interested, his, her or their agent or attorney, either by personal service or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of the said president and trustees for the purpose aforesaid; and the said president and trustees are hereby authorized to contract for and purchase such lands of such owner for the purpose aforesaid; and in case such owner or owners refuse to sell or convey such lands or premises for the purpose aforesaid, or the parties fail to agree, it shall and may be lawful for the president and trustees to order and direct the clerk to issue a venire facias directed to the marshal, or to any constable of the county in which said village or any part thereof may be situate, commanding him to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before any justice of the peace in said village at a time to be therein stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of or interested in such lands or premises; which jury being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such lands or premises, and the just compensation to be made therefor, and after having viewed the premises, if they shall deem it necessary for the village to use said lands, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands and premises, according to their respective estates and interests

therein; and the said justice shall, upon the return of such assessment or verdict, render judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or tendered before such street, lane, alley or highway shall be opened, established or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the president and trustees to cause the said lands and premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid may have the right to remove such proceedings by appeal to the circuit or district court for the county in which such proceedings were had, upon giving notice of his, her or their intention so to do, to said justice in writing, within ten days, or in case such party does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon as aforesaid, and upon filing a transcript of the proceedings aforesaid, duly certified by said justice within forty days after the verdict and judgment as aforesaid in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment of said court shall not exceed the damages assessed before the said justice at least five dollars, the party appealing shall pay the costs occasioned by such appeal.

Sec. 28. Any justice of the peace residing within such village may be and is hereby authorized and empowered to inquire, hear and determine all offences committed within the limits of such village, against any of the by-laws, ordinances and regulations of such board of trustees, and to punish the offender or offenders as prescribed by such by-laws and ordinances: *Provided*, That any person charged with violating any of said by-laws or ordinances may have a trial by jury as in other cases.

Sec. 29. The marshal, clerk, assessors, and such officers as may be appointed by the board of trustees, shall receive such compensation for their services as the by-laws and ordinances shall direct.

Sec. 30. The board of trustees shall, at the expiration of each year, cause to be published a just and true statement of all moneys received and of all moneys expended during the year next preceding; which statement shall contain in detail all receipts and expenditures.

Sec. 31. In actions, suits and proceedings wherein the president and trustees of such village shall be a party, no citizen thereof shall be deemed an incompetent witness or juror, on account of the interest of

Jurisdiction
of justices
of peace.

Compensation
of
officers.

Annual
statement of
board of
trustees.

Citizens not
to be deemed
incompetent
as witness
or juror.

Proviso. such citizen in the event of such action, suit or proceeding: *Provided*, That such interest be only such as is held in common with the citizens of said village.

How corporation served with process. **Proviso.** Sec. 32. Process against said corporation may be served by reading the same to and leaving an attested copy with the clerk or president of said village: *Provided*, That the first process shall be a summons served at least ten days before the return day thereof.

Taxes to be a lien on real estate. Sec. 33. Every assessment of taxes lawfully imposed or levied by the president and trustees of such village, on any lands, tenements or hereditaments within said village, shall be and remain a lien upon such lands, tenements or hereditaments from the time of the delivery of the tax roll to the marshal, until the same is paid; and the owner or occupant of such lands, tenements and hereditaments shall be liable upon demand to pay every such assessment or tax, and in default thereof it shall be

Sale of lands for taxes. lawful for the marshal of such village to levy upon and sell personal estate, and for want thereof the real estate so assessed, rendering the surplus if any, after deducting the costs and charges of such sale, to the

Proviso. person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in such village, if there be one, or by

Notice of sale. posting written notices thereof in at least three public places in said village, at least four weeks immediately preceding the time of such sale; and the marshal, on such sale, shall give to the purchaser or purchasers

Certificate. of any such lands, a certificate in writing describing the lands so purchased, the amount of the bid, and the time when the purchaser thereof will be entitled to a deed for said land; and if the said lands are not,

Redemption within one year from the date of such sale, redeemed by the payment to the treasurer of such village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of said year, execute to the purchaser or purchasers, his or their heirs or assigns,

Conveyance. a conveyance of the lands so sold, and the said conveyance shall be prima facie evidence that the sale and all the proceedings therein prior to

Effect of conveyance as evidence. such sale were regular; and every such conveyance executed by the said marshal under his hand and seal, acknowledged and recorded, may be given in evidence in the same manner as a deed regularly executed and

acknowledged by the owner and duly recorded; and all personal estate sold for the payment of taxes, shall be sold in such manner as the by-laws and ordinances of such village shall direct.

Sec. 34. Whenever the assessors of such village shall have completed their assessment roll and valuation of the property, real and personal in such village, they shall give notice thereof by publishing in a newspaper printed in said village by at least two insertions, or posting up the same in at least three public places in said village, stating the place where said roll is left for inspection, and the time when and place where they will meet to hear the objections of any person interested, to the valuation so made by them; and at the time so appointed the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause shown to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors they shall have the right of appealing from such decision, at any time within five days, to the president and trustees, who are in like manner authorized to review said roll, and upon sufficient cause shown, to reduce such valuation.

Notice of completion of assessment roll.

Meeting of assessors to review roll.

Appeal from assessment to president & trustees.

Sec. 35. It shall be the duty of the president and trustees to make out a duplicate of the tax roll, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within such village, and annex thereto their warrant, signed by the president and clerk, and deliver the same to the marshal, whose duty it shall be to collect the said taxes, within such time and in such manner as the by-laws shall direct.

Duplicate tax roll.

Warrant:

Sec. 36. All moneys received by the marshal shall be paid over to the treasurer of said village.

Moneys to be paid to treasurer.

Sec. 37. The street commissioners shall superintend and direct the working, planking, repairing, paving, grading and opening all streets, lanes, alleys, sidewalks, crosswalks, highways and bridges within such village, in such manner as may from time to time be directed by the president and trustees.

Duties of street commissioners.

Sec. 38. The president and trustees may establish the line parallel to and bounding upon the street or highway upon which buildings may be erected, and beyond which such buildings shall not extend.

Line of buildings to be established by president and trustees.

Fire com-
panies may
be establish-
ed.

Sec. 39. The president and trustees shall have authority to establish and organize fire companies, and hook and ladder companies, and provide them with engines and other implements as shall be necessary to extinguish fires, and preserve the property of such village from conflagrations; to appoint from among the inhabitants of such village such number as may be necessary to serve as firemen.

Powers and
duties of fire
companies.

Sec. 40. Each fire, hose, and hook and ladder company shall have power to elect their own officers, and establish rules for the government of said companies, subject to the approval of the president and trustees, and they may impose such fines for the non-attendance or neglect of duty of any of its members as they may deem necessary and proper; and every member of such company may obtain a certificate to that effect from the clerk of such village, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries and from the payment of a poll tax in said village; and it shall be the duty of every fire company to keep in good repair and condition the fire engines, hose, ladders and other implements of such company, and they shall assemble at least once in each month, and as often as directed by the president and trustees for the purpose of using and working, or examining such engine and other implements with a view to their perfect order and repair.

Duties of
marshal at
fires.

Sec. 41. Upon the breaking out of any fire in such village, the marshal shall immediately repair to the place of such fire, and aid and assist in extinguishing such fire and in preventing any goods from being stolen and in removing and protecting the same, and shall obey the orders of the president and trustees, or either of them, who may be present at such fire.

Term of
office of
clerk.

Clerk to be
police
justice.

Jurisdiction
and powers.

Sec. 42. The clerk of such village shall hold his office for the term of two years, and shall be a police justice of the peace, and shall have cognizance of all matters arising under and by virtue of this act, and the by laws and ordinances of the president and trustees, and may issue all process necessary to enforce the same, with full power to try, hear and determine all suits, actions and proceedings instituted under and by virtue of this act, in like manner, and with like effect as may be done by any other justice of the peace by the laws of this State, and with like fees; and all process shall be tested and made returnable, and the proceedings shall be conducted in like manner as prescribed for justices of

the peace by the laws of this State, and appeals may be taken from judgments rendered by such police justices in the same time and in the same manner as provided in other cases.

Sec. 43. The marshal shall be a police constable for said village, and may serve any process issued by the police justice or any other officer by virtue of this act, and shall perform all such services as may be required by the president and trustees, and shall be entitled to the same fees as constables for similar services, and shall be entitled to the same privileges, and subject to the same liabilities, as constables, in the performance of similar duties; said marshal shall have the general supervision of the streets, commons, lanes, public grounds, burial places, and alleys, in said village, under the direction of the president and trustees, and shall see that the by-laws and ordinances are properly observed.

Marshal to be police constable.

Sec. 44. The docket of the clerk, kept by him as such police justice, shall be and remain a public record in his office, and shall be delivered over, together with all other books and papers belonging to his office as clerk, to his successor in office; and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor in office as such police justice.

Docket of police justice to be public record.

Sec. 45. Any incorporated village may organize under the provisions of this act, by a vote of the electors of such village at the annual election of village officers for such village.

Incorporated villages may organize under this act.

This act shall take effect immediately.

Approved February 17, 1857.

[No. 169.]

AN ACT to provide for the draining of swamps, marshes, and other low lands.

SECTION 1. *The People of the State of Michigan enact, That* the board of supervisors in any organized county of this State shall have power to appoint three commissioners to superintend the drainage of swamps, marshes, and other low lands, in their respective counties, according to the provisions of this act, as do in their judgment, affect injuriously the health of the inhabitants.

Board of supervisors to appoint commissioners.

Sec. 2. Before entering upon their duties as commissioners, they shall severally make oath before some person duly authorized to administer

Oath of office of commissioners.

oaths, that they will justly and impartially discharge the duties assigned them by this act, which oath shall be by them filed in the county clerk's office.

Duties of
commis-
sioners.

Sec. 3. It shall be the duty of said commissioners to examine personally the marshes and other low lands in their respective counties; to make such observations and surveys as they may deem necessary to determine the route, line and dimensions of the several ditches required to be cut in or from the same, together with their length, breadth and depth.

Ib.

Sec. 4. Said commissioners shall also make an estimate of the sum necessary to be raised to pay the expenses of making such ditches or drains, including all incidental expenses. They shall also make an estimate of the sum that ought to be levied on each section or part of a section of land in such marshes or other low lands, in such proportion as they shall deem just, according to the benefit that will accrue to each by making any such ditches or drains; and they shall cause maps of said lands to be made, designating thereon the length, depth, width, position and direction of every ditch or drain by them laid out or contemplated; said map shall also contain a description of every section or part of a section upon which estimates have been made, with the amount of such estimate; also the aggregate amount to be collected in each township.

Ib.
Contracts.

Sec. 5. Said commissioners shall contract for the performance of the work and materials required to complete such ditches and drains; but contracts shall be upon reasonable public notice, published not less than three weeks in some newspaper printed in the county, or if no paper be printed in the county, in a newspaper printed in some county nearest thereto, and such other notice as to them shall seem proper, and shall be subject to the action and judgment of the circuit court, as hereinafter specified.

Report of
commis-
sioners.

Sec. 6. Said commissioners shall make a full report to the circuit court of all their doings in the premises, accompanied by maps, estimates, statement of contracts, and all other matters necessary to a full

Report to be
filed.

exhibition and understanding of their action. Such report shall be filed in the office of the county clerk of said county, at least three weeks be-

Notice of
presenting

fore it be acted upon by said court; and the commissioners shall give notice at least three weeks, by publication in a newspaper printed in the

county, or if no newspaper be printed therein, by posting notices upon the outer door of the court house in said county, and five or more other notices in the township or townships in which such ditch or ditches or drains are to be made, that they will, on some day to be by them specified, present said report to the circuit court for confirmation; and on such day, or some other day thereafter, as may be appointed by said court, any person interested may appear and object to the confirmation of said report; and the court may, for good cause shown, amend or set aside said report, direct new examinations or surveys, when, in the opinion of the court, justice or equity requires it; but if no good cause be shown against it, the court shall confirm the report; but if the aggregate estimate for the construction of any ditch or drain shall not exceed the sum of five hundred dollars, it shall not be necessary for said commissioners to apply to the court for confirmation of their report, but they may proceed at once in the construction of such ditch or drain, conforming in all other respects to the provisions of this act.

report to
circuit
court.

Duties of
circuit
court.

Sec. 7. The commissioners shall cause a copy of the report confirmed by the circuit court, to be filed in the office of the Auditor General of the State, and in the office of the treasurer of the county; they shall also cause a copy of the same to be laid before the board of supervisors in said county, at their annual session on the second Monday in October following; and the said board shall charge the aggregate sums, as they are apportioned against the proper townships, and shall direct the supervisor of each township in which any portion of such ditch or drain may be constructed or tax levied to levy the same upon the several sections or parts of sections described as being in his township, and collect and pay said sums to the county treasurer, in like manner and at the same time with other county taxes; but the Auditor General shall not be required to credit or pay to either of the counties any such tax returned to his office until the same shall have been actually paid into the office of the State Treasurer for such taxes or for the sale of lands to individuals.

Copy of re-
port con-
firmed to be
filed in
Auditor
General's
office.

Copy to be
laid before
board of
supervisors.

Duties of
board of
supervisors.

Sec. 8. All lands upon which a tax shall be levied by virtue of this act, which may be returned to the office of the Auditor General delinquent for such tax, shall be advertised and sold for such taxes at the same time and in the same manner as lands delinquent for other taxes, except that no such lands shall be bid in for the State for any such tax,

Return of
lands delin-
quent for
tax.

sale.

and excepting that the amount of such tax on each description of the lands so returned shall be stated and advertised in a list separate and distinct from all other taxes, and all such lands shall first be sold for the State, county, town, school and highway taxes, if any; and in case any such lands are bid in for the State, for State, county, township, school or highway taxes, they shall be sold for the taxes assessed under the provisions of this act, subject to the payment of such State, county, town, school or highway taxes; and no deed of such lands shall be executed by the Auditor General for such ditch tax until such bid of the State and the lien thereon shall have been fully satisfied. Any person

Redemption who may bid in any land for such ditch tax, which may have been sold to any other person or persons or to the State for any other taxes as above mentioned, shall have the right to redeem the same within the time allowed by law; and unless some other person having a right to redeem; shall, before the time of redemption would have expired, tender to the holder or owner of a certificate of sale for such ditch tax the amount which he may have paid on the redemption for other taxes as aforesaid, with the same interest as would have been payable to the Auditor General or State Treasurer up to the same date, then the person having so redeemed such lands from sale for such other taxes, his heirs or assigns, shall have and possess all the rights under and by virtue of such redemption as if the same had been originally purchased by him for such other taxes; and a deed thereof, duly executed by the Auditor General, and all deeds duly executed by the Auditor General for lands sold for any such delinquent ditch taxes, shall be as valid and effectual to all intents and purposes as deeds on sale of lands for other taxes returned to the office of the Auditor General.

Powers of commissioners to locate and relocate ditches, &c.

Sec. 9. Said commissioners shall have power to locate or re-locate ditches or drains, or to alter or vary the size thereof: *Provided, That* no such alteration or variation shall be made without the consent of the contractor; but if, at any time, said commissioners shall extend, alter, locate or re-locate any drain, thereby increasing the expense of such drain, then and in such case they shall make report of their designs from time to time according to the facts, to the circuit court of the proper county, who shall in all cases act in accordance with the provisions of this act.

1b.

Sec. 10. The power herein conferred upon said commissioners for

digging and draining, shall also extend to and include deepening, widening and clearing out any ditches that have heretofore, or may be hereafter constructed.

Sec. 11. If any person shall willfully or maliciously obstruct or injure any drain laid out by and under the provisions of this act, he shall ^{Fine for injuring drain.} be subject to a fine not exceeding ten dollars, together with such sum as will be required to repair such damage and costs of suit, which fine may be recovered in an action of debt at the suit of any one of said commissioners, before any justice of the peace of the proper county, and when any recovery shall be made, and the same collected, it shall be paid to the complainant, and be by him deposited with the township treasurer in the township where such damages occurred, for the benefit of highways in such township.

Sec. 12. No money shall be paid by any county treasurer of any county in which a tax is assessed for the purpose of drainage under this act, on any warrant drawn by the said commissioners, out of any other fund than that derived from such taxes; and no county treasurer shall be authorized or allowed to bid in for the State any lands sold or offered for sale for such taxes; but in case any such land shall be and remain unsold when first offered as aforesaid, and such tax shall remain unpaid, the county treasurer shall certify the same to the Auditor General, and the said treasurer shall, at any time thereafter, sell such land, subject as aforesaid, to any person who will pay the taxes assessed thereon, and the office charges, in the way and manner hereinbefore mentioned; and said treasurer shall issue his certificate of sale to such purchaser, and such certificate shall entitle the purchaser to a deed from the Auditor General for the lands so sold, from and after one year from the time they were first offered for sale by such county treasurer, unless sooner redeemed.

^{Money not to be paid by county treasurer out of any other fund.}

Sec. 13. The commissioners shall each be entitled to receive one dollar and fifty cents per day for the time actually spent by them in ^{Compensation of commissioners.} performing their duties under this act; but before they shall receive any pay, their respective accounts shall be sworn to by them and taxed by the judge of the circuit court of the county, and the bills filed in the office of the treasurer of said county, who shall pay them out of the moneys collected by virtue of this act, and not otherwise.

When
orders may
draw in-
terest.

Sec. 14. Whenever any order drawn by the commissioners shall be presented to the county treasurer and there shall be no funds in his hands applicable to the payment thereof, the county treasurer shall endorse thereon the date of such presentation with his signature thereto. Such orders shall draw interest from and after such presentation and endorsement.

Keeping
drains open.

Sec. 15. Whenever any drain shall be laid upon any public road, or where drains have been laid and roads shall hereafter be laid out beside said drain, it shall be the duty of commissioners of highways and overseers of their respective districts to keep said drains opened and free of all obstructions.

By whom
claims audit
ed and by
whom paid.

Sec. 16. All claims arising under the preceeding sections of this act, whether on contract, labor performed, or any other services, shall be audited by the commissioners (except for their services as commissioners,) and paid on their order by the county treasurer of the county out of any funds in his hands created by this act, and not otherwise.

Bids at sale
may be paid
in warrants.

Sec. 17. All bids made for any of the lands which may be sold for taxes assessed under the provisions of this act, may be paid in warrants drawn under the provisions of this act, by the commissioners, on the treasurer of said county in which the lands sold are situated, if drawn for the construction of the said ditch, or commissioners' service, for which said lands are to be sold, and such warrants shall, if tendered, be received by the Auditor General, or treasurer of the county in which they were drawn, in payment for any such tax that may be returned delinquent.

Annual re-
port of com-
missioners.

Sec. 18. For the information of all persons concerned, the said commissioners shall make a full report in writing to the board of supervisors of the proper county, at the next and each annual session thereafter, setting forth as near as practicable:

Contents of
report.

1. What proportion of the ditches or drains for the construction of which a tax has been levied, are completed, and the amount paid therefor:

1b.

2. What proportion is under contract and not completed, and the amount to be paid therefor, and whether such contract or contracts are likely to be performed; also the proportion not yet under contract, and the estimated cost of their construction; and whether there is a sufficient amount of unexpended funds created by such tax to complete the work:

3. What amount of such funds has been expended and for what purpose, exhibiting the items of such expenditure as fully as may be practicable; and also what amount of warrants has been drawn by them against such fund, and shall also report all such other matters in relation to the subject as they may deem necessary, or said board of supervisors may require.

Sec. 19. The board of supervisors of the several counties in which such commissioners shall be appointed, shall have full power and authority to control the action of such commissioners, and may make any order in relation to such ditches or drains, or other matters relating thereto, not inconsistent with the public interest or the rights of individuals, which order shall be binding on such commissioners. The board of supervisors shall also have power and authority, for any cause by them deemed sufficient, to remove any or all of such commissioners and appoint others in their stead, with like powers and subject to the same liabilities: *Provided*, That nothing contained in this act shall be construed as to effect any contract, vested right or interest existing, made or created at any time previous to the passage of this act. All acts or parts (of acts) contravening the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 170.]

AN ACT to authorize the consolidation of mining companies.

SECTION 1. *The People of the State of Michigan enact*, That any mining corporation organized under the act approved February fifth, eighteen hundred and fifty-three, for authorizing the formation of mining corporations, is hereby authorized to consolidate with and purchase from any other mining corporation organized under said act, all its property, rights and franchises, upon such terms as shall be mutually agreed upon; and the stockholders of the corporation whose property, rights and franchises are thus purchased, shall become stockholders of the corporation purchasing the same, in such proportions as shall be agreed upon in the terms of sale; and the corporation, thus selling its property, rights and franchises shall become merged in and consolidated with the corporation buying the same.

Assent of majority of stockholders necessary to consolidation.

Sec. 2. No consolidation of one mining corporation with another, under this act, shall take place without the prior assent thereto of a majority of the stockholders of each corporation, at the annual meeting of the stockholders, or at a special meeting duly called for that purpose.

Corporation purchasing may call in and cancel its prior stock and to issue new stock.

Sec. 3. Any mining corporation thus purchasing the property, rights and franchises of another, shall have power to call in and cancel its prior certificates of stock, and to make and issue to its stockholders, including those of the corporation to be consolidated with it, new certificates of stock, in such proportions to each as each shall be entitled to, according to the terms of consolidation as agreed upon, and to forfeit the stock of any stockholder who shall not return his stock to be cancelled as aforesaid, within ninety days after actual notice of the resolution of the corporation for calling in its stock, or who shall not return it after publication of notice of said resolution for ninety days, in some daily newspaper published in the State of Michigan.

Corporation purchasing liable for liabilities of corporation selling.

Sec. 4. All dues, demands, contracts and liabilities of any corporation thus selling its property, rights and franchises to another, shall be and remain in force against the corporation purchasing the same, in like manner as if originally incurred by it; and all rights of creditors, and all liens upon the property of either corporation, shall remain unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same.

Capital stock not to be increased by virtue of this act.

Sec. 5. No corporation with which another may be consolidated under this act, shall be allowed to increase its capital stock by virtue of this act, but such corporation shall, in all respects consistent with this act, be subject to the provisions of the general law of this State above referred to, authorizing the formation of mining corporations.

Sec. 6. This act shall take immediate effect.

Approved February 17, 1857.

[No. 171.]

AN ACT to organize the county of Arenac, and parts of other counties, by the name of Bay county.

Boundaries of Bay county.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory shall be organized into a county, and shall be known and called Bay county, which territory shall comprise all that

part of the north half of town thirteen north, of range five east, lying east of Saginaw river, the north half of town thirteen north, six east; also town fourteen north, of ranges three and four, and fractions five and six east; also town fifteen north, of range three, and fractional five and six east; also town sixteen north, of range three, and fractional four and five east; also town seventeen north, of range three, and fractional four and five east; also town eighteen north, of ranges three and four, and fractional five, six and seven east; also town nineteen north, of ranges three, four and five, and fractional six and seven east; and town twenty north, of ranges three, four, five and six, and fractional seven east; and the inhabitants thereof entitled to all the rights and privileges to which by law the inhabitants of the other organized counties of this State are entitled.

Sec. 2. This act shall be submitted to a vote of the electors of Saginaw county, Midland and Arenac counties, at the township meetings to be holden in said county, on the first Monday in April next. At said election a ballot box shall be kept by the several boards of inspectors thereof for receiving the votes cast for or against the approval of this act, and on the ballots shall be written or printed "Bay county, Yes," or "Bay county, No;" and the said votes shall be examined, canvassed and returned in like manner with the votes cast for State officers, as near as may be. And in case a majority of the said votes upon the approval of this act shall be in favor of such approval, then this act shall take effect upon the twentieth day of April, in the year eighteen hundred and fifty-seven; but if a majority of said votes shall be against such approval, then this act shall not take effect, but shall be void.

This act to be submitted to a vote of electors of Saginaw, Midland and Arenac counties.

Mode of voting.

Sec. 3. There shall be elected in said Bay county, if this act shall be approved by a majority of the voters, on the first Monday of June next, all the several county officers to which by law said county is entitled; and said election, and the canvass thereof, shall, as far as practicable, in all respects, be conducted and held in the manner prescribed by law for holding elections and canvass for county and State officers: *Provided*, That the canvass for said county shall be held at Bay city, in said county, at the office of the town clerk of the township of Hampton, on Monday next following said election: *Provided*, That the county officers so to be elected shall be qualified and enter upon the duties of their respective offices on the second Monday next following such election,

Election of county officers.

Proviso.

Proviso.

whose constitutional term of office will expire at the time prescribed by the general law.

Board of
county canvassers.

Sec. 4. That the board of canvassers of said county shall consist of one of the inspectors of election from each township, duly appointed and certified by said inspectors, and said board of canvassers of said county shall organize by appointing one of their number chairman, and another secretary of said board, and shall thereafter proceed to discharge all the duties of a board of county canvassers as in ordinary cases of election of county and state officers.

Place of
holding circuit court to
be designated
by sheriff
and clerk.

Sec. 5. The sheriff and county clerk of said county, to be elected as provided for in this act, shall designate a suitable place in the township of Hampton, in Bay City, for holding the circuit court in said county, and shall so designate from time to time, whenever the same may be necessary, until the supervisors of said county shall locate the county seat of said county; and such place, so designated, shall be duly certified by said clerk and sheriff, and filed in the county clerk's office; and such place so designated shall be the place for holding the circuit court for said county.

Temporary
county
offices.

Sec. 6. The sheriff, county clerk, register of deeds, county treasurer, and judge of probate, to be elected as provided for in this act, shall designate suitable places in said township of Hampton (as near as practicable to the place designated for holding the circuit court in said county), until the seat of said county shall be designated as provided for in this act, and shall make and subscribe a certificate, in writing, of such place so designated by them respectively, describing the place so designated, and shall file the same in the office of the clerk of said county; and such place so designated shall be the office of such officers respectively, until others shall be designated as provided for by law.

County seat.

Sec. 7. The board of supervisors of said county shall, on the first Tuesday of January, eighteen hundred and fifty-nine, designate and establish the county seat of said county.

Copy of this
act to be
transmitted
to township
clerk.

Sec. 8. Within thirty days after the passage of this act, it shall be the duty of the Secretary of State to transmit by mail to the township clerk of the township of Hampton a certified copy of this act.

Township
clerk of
Hampton to
give notice
of election.

Sec. 9. It shall be the duty of the township clerk of the town of Hampton to notify the township clerks of the several towns in said county of the time of holding election for the officers provided for in

this act, and of the officers to be elected, at least ten days before the time of such election.

Sec. 10. The said Bay county, when organized as aforesaid, shall be attached to the seventh judicial circuit, and the judge of said circuit shall hold courts in said county, as by the statute in such cases made and provided. Bay county to be attached to 7th Judicial circuit.

Sec. 11. The register of deeds of said county, when elected and qualified, shall have access to the books in the office of register of deeds in Saginaw and Midland counties, for the purpose of transcribing the same, and for his services in such transcribing shall receive such compensation as shall be allowed by the supervisors of said county of Bay. Transcribing records. Compensation.

Sec. 12. All suits pending in the circuit court of Saginaw at the time this act shall take effect, in which the plaintiffs or defendants are residents of said Bay county, as organized, shall continue in said circuit court as though Bay county had not been organized. Suits pending to be continued.

Sec. 13. The said Bay county shall be attached to Saginaw county for the purposes of representation, and shall form a part of the twenty-eighth senatorial district, anything in the act to re-arrange the senate districts of this State approved February 13, 1855, to the contrary notwithstanding. Bay county attached to Saginaw co. for representative purposes.

Sec. 14. It shall be the duty of the township clerk of the several townships in said county, or of the inspectors of election thereof, or one of them, to post three notices of the same in three of the most public places in their township, also specifying the place and hour of holding such election. Notice of election to be given by town clerks.

Sec. 15. The unorganized county of Iosco is hereby attached to said Bay county for judicial purposes. Iosco Co. attached to Bay Co. for judicial purposes.

Sec. 16. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

This act is ordered to take immediate effect.

Approved February 17, 1857.

[No. 172.]

AN ACT to amend act number seventeen of the laws of 1855, entitled an act to prevent the manufacture and sale of spirituous and intoxicating liquors as a beverage, approved February 3, 1855.

SECTION 1. *The People of the State of Michigan enact, That* section one of said act be and the same is hereby amended so as to read as follows:

Manufac-
ture and
sale of
spirituous,
intoxicating
or mixed
liquors, pro-
hibited.

The People of the State of Michigan enact, That no person shall be allowed to manufacture or sell, at any time, by himself, his clerk, servant or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors a part of which is spirituous or intoxicating, except cider, beer and wine of domestic manufacture, and except, also, as hereinafter specified."

Repeal.

Sec. 2. That sections six and seven of said act number seventeen, approved February 3d, 1855, be and the same are hereby repealed.

Approved February 17, 1857.

[No. 173.]

AN ACT to provide for the appointment of trustees in certain cases.

Certificate
of appoint-
ment of
trustees by
officers of
churches.

SECTION 1. *The People of the State of Michigan enact, That* whenever, by the constitution, rules or usages of any particular church or religious denomination, trustees are required to be appointed by any officer or officers of such church or denomination, it shall be the duty of such officer or officers to give to such trustees a certificate of their appointment under the hand and seal of the person or persons making the same, specifying the name by which such trustees and their successors shall forever thereafter be called and known; which certificate shall be acknowledged or proved, and recorded as prescribed in section six of an act entitled an act concerning churches and religious societies, approved February thirteenth, eighteen hundred and fifty five; whereupon such trustees and their successors, appointed in accordance with the constitution, rules and usages of such church, shall be a body corporate by the name expressed in such certificate, with all the rights, powers and privileges of other religious corporations constituted according to law.

Sec. 2. All acts, or parts of acts, conflicting with the provisions of ~~Repeal.~~ this act, are hereby repealed; and the Legislature shall have power to amend or repeal this act at any time hereafter at its discretion.

Sec. 3. This act shall take immediate effect.

Approved February 17, 1857.

[No. 174.]

AN ACT to amend act number twenty-two of the session laws of 1849, being an act to provide for the payment for wood, lights and other incidental expenses of the legislature and State officers.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number twenty-two, of the session laws of eighteen hundred and forty-nine, be and hereby is amended so that said section shall read as follows:

"Sec 1. The Board of State Auditors are hereby authorized to contract for or purchase wood, lights and necessary furniture for the legislative halls and State officers, from time to time, and to audit and allow the accounts for the same, and accounts for making necessary repairs on the capitol, and the house and grounds adjoining belonging to the State, and also for a porter to take charge of the State offices in the capitol, and for transportation of packages to and from the State offices, for the payment of which the State would be liable, and for other necessary incidental expenses of said offices, and also for the improvement of capitol block by planting trees and shrubbery upon said block, and also for all other necessary improvements for the enhancement of the value of the property of the State at Lansing; and also to procure plans, drawings and estimates for a State capitol, to be submitted to the legislature of eighteen hundred and fifty-nine.

Powers of board of State Auditors in relation to State house, buildings, grounds, at Lansing.

Plans and drawings for State Capitol.

Approved February 17, 1857.

[No. 175.]

AN ACT to provide for the purchase of copies of Webster's Unabridged Dictionary of the English Language for the primary schools of this State.

SECTION 1. *The People of the State of Michigan enact*, That

Superintendent of public instruction authorized to purchase dictionary.

the Superintendent of Public Instruction be authorized to purchase such a number of copies of Webster's Unabridged Dictionary of the English Language, at a price not exceeding four dollars per copy, as may be necessary to supply each organized school district, not hereinafter exempted from the provisions of this act, with one copy; and where there is more than one common school in a district, each school and each department thereof shall be furnished with a copy.

Supervisors to assess tax

Sec. 2. The supervisors of the several townships in this State shall assess upon the taxable property of each school district, not exempted from the provisions of this act, a sum of money sufficient to supply each school and each department thereof with one copy, at the price hereinbefore mentioned; and the said tax shall be collected and returned to the State treasury in the same manner as other State taxes.

Districts to determine by vote at next annual meeting whether they will avail themselves of this act.

Sec. 3. Each school district in this State shall, at its next annual meeting, determine by vote whether it will avail itself of the provisions of this act; and every district which shall decide to obtain a copy of said dictionary shall give immediate notice to the supervisor of the township in which said school district is located; or if a fractional district, said notice shall be given to the supervisor of the township in which the school house of such district is situated; and every supervisor thus notified shall, within thirty days thereafter, make his order on the Superintendent of Public Instruction for such number of copies of said dictionaries as may have been thus ordered. Any school district which shall neglect to vote upon this subject at its next annual meeting, or which shall decide not to order such dictionary, may vote at its annual meeting in eighteen hundred and fifty-eight whether it will order such dictionary or not.

Auditor General to draw his warrant for amount named in certificate of superintendent.

Sec. 4. Upon the return of the tax, as hereinbefore provided, into the State treasury, and upon the presentation of a certificate from the Superintendent of Public Instruction of the number of copies of said dictionary purchased by him in pursuance of this act, and the sum due therefor, the Auditor General shall draw his warrant upon the State Treasurer for the amount named in said certificate; and the State Treasurer is directed to pay the amount to the holder of said warrant, out of the money collected as hereinbefore provided.

Sec. 5. The Superintendent of Public Instruction shall, immediately on the passage of this act, cause a copy to be forwarded to each school director in the several school districts of this State.

Superintendent to forward copies of this act to school districts.

Approved February 17, 1857.

[No. 176.]

AN ACT making appropriations for the salaries of the State officers for the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight.

SECTION 1. *The People of the State of Michigan enact, That* there be, and the same is hereby appropriated out of any moneys in the treasury, to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and fifty-seven: for the salary of the Governor, one thousand dollars; for the salaries of the associate judges of the supreme court, fifteen hundred dollars each; for the salary of the district judge of the Upper Peninsula, one thousand dollars; for the salary of the district attorney of the Upper Peninsula, seven hundred dollars; for the salaries of the Auditor General and State Treasurer, one thousand dollars each; for the salary of the Commissioner of the State Land Office, eight hundred dollars; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, eight hundred dollars; for the salary of the Superintendent of Public Instruction, one thousand dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quarter Master General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer, Deputy Auditor General, Deputy Secretary of State and Deputy Commissioner of the State Land Office, seven hundred dollars each; for the salary of the book keeper of the State Land Office, six hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the private secretary of the Governor, five hundred dollars; for the clerk of the Attorney General, four hundred dollars; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each; for the salary of the reporter of the supreme court, five hundred dollars; for the salaries of

Appropriation.
Governor.
Judges Sup. court.
District judge.
District attorney.
Auditor general and State treasurer.
Commissioner, land office.
Secretary of State.
Attorney general.
Supt. Pub. instruction.
Adjutant general.
Q. M. Gen'l.
Dep. State treasurer.
Dep. Aud. general.
Dep. Sec. State.
Dep. Com. land office.
Book keeper land office.
State Librarian.
Private Sec. of Governor
Clerks of Attorney General.
Aud. Gen'l Clerks.
Other clerks
Reporter Sup. court.

Public act. Sec. 39. This act shall be deemed a public act, and shall be favorably construed in all courts.

Sec. 40. The legislature may at any time alter, amend or repeal this act.

Sec. 41. This act shall take immediate effect.

Approved February 17, 1857.

[No. 178.]

AN ACT to change the name of the township of Phelpstown, in the county of Ingham.

Williams-town.

SECTION 1. *The People of the State of Michigan enact, That the name of the township of Phelpstown, in the county of Ingham, be and the same is hereby changed to that of Williamstown; and by that name it shall hereafter be known and designated.*

Approved February 17, 1857.

[No. 179.]

AN ACT to amend an act entitled "an act to authorize mining corporations to increase the number of shares into which their capital stock may be divided.

SECTION 1. *The People of the State of Michigan enact, That section one of the act to authorize mining corporations to increase the number of shares into which their capital stocks may be divided, approved February 9, 1857, be amended by striking out at the close of said section the words "And provided further, That the said shares shall not be reduced below twenty-five dollars each," so that said section as amended will read as follows:*

Mining corporations may increase shares of capital stock

"That all mining corporations heretofore created by special acts of incorporation passed by the legislature of this State, and duly organized under the same, shall have authority, each respectively, to increase the number of shares into which their capital stocks are divided to such number as they may see fit: *Provided, That no company shall divide its capital stock into more than twenty thousand shares; nor shall the capital stock of any such company be increased by this act.*

Sec. 2. This act shall take immediate effect.

Approved February 17, 1857.

[No. 180.]

AN ACT to attach the counties of Mecosta, Osceola and Lake to the county of Newaygo, for judicial and municipal purposes.

SECTION 1. *The People of the State of Michigan enact*, That the counties of Mecosta, Osceola and Lake, be and the same are hereby attached to the county of Newaygo for judicial and municipal purposes.

Approved February 17, 1857.

[No. 181.]

AN ACT to amend sections fourteen and fifteen of an act entitled an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers, approved April eighth, eighteen hundred and fifty-one.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen of an act entitled an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers, approved April eighth, eighteen hundred and fifty-one, be and is hereby amended so that said section shall read as follows:

“Sec. 14. The boards of supervisors of the several counties of this State shall have power, within their respective counties, and all territory attached thereto by a majority of all the members elected, to divide or alter in its bounds any township, or erect a new township, upon application to the board, as hereinafter provided, of at least twelve freeholders of each of the townships to be affected by the division, and upon being furnished with a map of all the townships to be affected by the division, showing the proposed alterations; and if the application shall be granted, a copy of said map, with a certified statement of the action of said board thereunto annexed, shall be filed in the office of the clerk of such county, and a certified statement of the action of said board shall also be filed in the office of the Secretary of State; and it shall be the duty of the Secretary of State to cause the same to be published with the laws of the next legislature, after the filing thereof, in the same manner as other laws are published: *Provided, however*, That no part of the territory of one township shall be detached therefrom,

Board may divide or alter boundaries of townships.

Application.

Publication with laws.

Provide.

and added to another, unless application in writing for that purpose be made to such board by a majority of all the taxable inhabitants residing on the part of the territory to be so detached, whose names appear on the last preceding assessment roll of the supervisor of the township from which said territory is to be detached as aforesaid."

Notice of
intended ap-
plication.

Sec. 2. Section fifteen of said act is hereby amended so that said section shall read as follows:

"Sec. 15. Notice in writing of such intended application, subscribed by not less than twelve freeholders of the township or townships to be affected, shall be posted in five of the most public places in each of the townships to be affected thereby, four weeks next previous to such application to the board of supervisors; and a copy of such notice shall also be published once in each week four successive weeks immediately preceding the meeting of the board of the supervisors at which such application is to be made, in some newspaper printed in the county, if any shall be published therein."

Repeal.

Sec. 3. That act number fifty-nine, approved February tenth, eighteen hundred and fifty-five, of the session laws of eighteen hundred and fifty-five, be and the same is hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved February 17, 1857.

[No. 182.]

AN ACT to renew internal improvement land warrant issued by the Auditor General in the year eighteen hundred and forty-eight.

Selection of
lands may
be made
within one
year from
the passage
of this act,
in certain
cases.

"SECTION 1. *The People of the State of Michigan enact*, That in all cases where the holders of warrants issued by the Auditor General under the provisions of an act entitled an act to regulate the issuing of certain land warrants by the Auditor General, and limiting the time within which the same shall be receivable at the State Land Office in payment for internal improvement lands, approved March twenty-ninth, eighteen hundred and forty-eight, shall have neglected to make a selection of lands under such warrants, within the time limited by the provisions of said act, he may make such selection at any time within one year after the passage of this act, from any lands now held for sale

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by this State, in the Lower Peninsula, and said warrants may be received as payment therefor at the amount for which they were issued.

Sec. 2. So much of any act as contravenes the provisions of this act ^{Repeal.} is hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved February 17, 1857.

[No. 183.]

AN ACT to amend an act entitled an act to establish a police court in the city of Detroit, approved April second, eighteen hundred and fifty.

SECTION 1. *The People of the State of Michigan enact*, That a ^{New section added.} new section, to stand as section ten, shall be added to said act, which section shall read as follows:

Sec. 10. The said police justice shall have power to appoint a clerk ^{Police justice may appoint clerk.} for said court, who shall receive no fees for his services, but in lieu thereof an annual salary of five hundred dollars, payable quarterly from ^{Salary of clerk.} the county treasury of Wayne county, under the direction of the board of auditors for said county.

Sec. 2. This act shall take immediate effect.

Approved February 17, 1857.

[No. 184.]

AN ACT to amend an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and the act amendatory thereto, approved February ninth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, which was added by an act amendatory thereto, approved February ninth, eighteen hundred and fifty-five, be so amended that the said section read as follows:

“Sec. 31. All companies that have been or may be hereafter organized, subject to the provisions of this act, instead of eight feet in width of plank road required by section sixteen of this act, may construct all or any portion of said road of gravel instead of plank, and may substitute ^{Companies may construct of gravel instead of plank.}

gravel instead of plank where plank is now used, or of stone so broken as to subserve the purposes of gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width, and the gravel of which the same is constructed be not less than seven inches in depth: *And provided*, Said companies shall be subject to all the provisions and penalties in regard to keeping said gravel road in repair, as are provided for in said act in relation to plank roads."

Sec. 2. This act shall take immediate effect.

Approved February 17, 1857.

[No. 185.]

AN ACT to amend chapter seventy-two of the revised statutes of eighteen hundred and forty-six, relative to appeals from the decision of commissioners upon the estate of deceased persons.

New section added.

SECTION 1. *The People of the State of Michigan enact*, That the following be added to chapter seventy-two, to stand as section sixty-one:

Appeals.

Sec. 61. If any person shall fail to appeal from the decision and report of commissioners in pursuance of section twenty of said chapter, he may be authorized to appeal in pursuance of section thirty, chapter ninety-one of the revised statutes, in the same manner as in cases of appeals from orders or decrees of judges of probate.

Sec. 2. This act shall take immediate effect.

Approved February 17, 1857.

[No. 186.]

AN ACT to establish a State road between East Saginaw and Bay city.

Commissioners appointed.

SECTION 1. *The People of the State of Michigan enact*, That Morgan L. Gage, of East Saginaw, and James Fraser, of Bay city, be and they are hereby appointed commissioners to lay out and establish a State road commencing at the village of East Saginaw, in the county of Saginaw, thence on the most eligible route to Bay city, formerly Lower Saginaw, in the county aforesaid.

Route of road.

Duty of commissioners.

Sec. 2. It shall be the duty of said commissioners forthwith to meet and proceed to lay out and establish said road, and cause the same to

be surveyed, and cause a description thereof to be filed with the township clerk of each of the respective townships, whose duty it shall be to record the same, and such record shall be prima facie evidence of the existence of said road.

Sec. 3. The proper authorities of each of the several towns through which the said road shall run, may grant to a plank road company the right of way, and such right of way may be acquired by any such company in the same manner and form as is now provided by law in similar cases.

Township authorities may grant right of way for plank road.

Sec. 4. The right of way for such road through any lands belonging to the State be and is hereby granted and confirmed to the township in which such land shall lie.

Right of way thro' State lands granted.

Sec. 5. The said commissioners shall be paid each the sum of two dollars per diem for their services, and the same shall be paid by the respective townships: *Provided*, No township shall pay to said commissioners for any services or time rendered or expended in any other township.

Compensation of commissioners.

Proviso.

Sec. 6. The State shall not be liable for any expenses incurred or damages sustained by reason of this act; and in case the road mentioned in this act shall not be laid out and established within three years from the passage of this act, the provisions therein contained shall be void.

State not to be liable for expenses.

Sec. 7. It shall be the duty of the commissioners of highways in any organized township through which said road may pass, to open and work the same in the manner and by virtue of the same law as township roads are required to be open and worked.

Duty of highway commissioners.

Sec. 8. The commissioners appointed by this act may make application to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be when private property is taken for said road, to ascertain the necessity for taking such property, and the compensation thereof shall be certified in writing by said commissioners, and the certificates filed in the office of register of deeds for the county in which such lands are situated.

Proceedings when private property is to be taken for use of road.

Sec. 9. This act shall take immediate effect.

Approved February 17, 1857.

Public act. Sec. 39. This act shall be deemed a public act, and shall be favorably construed in all courts.

Sec. 40. The legislature may at any time alter, amend or repeal this act.

Sec. 41. This act shall take immediate effect.

Approved February 17, 1857.

[No. 178.]

AN ACT to change the name of the township of Phelpstown, in the county of Ingham.

Williams-town.

SECTION 1. *The People of the State of Michigan enact, That the name of the township of Phelpstown, in the county of Ingham, be and the same is hereby changed to that of Williamstown; and by that name it shall hereafter be known and designated.*

Approved February 17, 1857.

[No. 179.]

AN ACT to amend an act entitled "an act to authorize mining corporations to increase the number of shares into which their capital stock may be divided.

SECTION 1. *The People of the State of Michigan enact, That section one of the act to authorize mining corporations to increase the number of shares into which their capital stocks may be divided, approved February 9, 1857, be amended by striking out at the close of said section the words "And provided further, That the said shares shall not be reduced below twenty-five dollars each," so that said section as amended will read as follows:*

Mining corporations may increase shares of capital stock

"That all mining corporations heretofore created by special acts of incorporation passed by the legislature of this State, and duly organized under the same, shall have authority, each respectively, to increase the number of shares into which their capital stocks are divided to such number as they may see fit: *Provided, That no company shall divide its capital stock into more than twenty thousand shares; nor shall the capital stock of any such company be increased by this act.*

Sec. 2. This act shall take immediate effect.

Approved February 17, 1857.

[No. 180.]

AN ACT to attach the counties of Mecosta, Osceola and Lake to the county of Newaygo, for judicial and municipal purposes.

SECTION 1. *The People of the State of Michigan enact*, That the counties of Mecosta, Osceola and Lake, be and the same are hereby attached to the county of Newaygo for judicial and municipal purposes.

Approved February 17, 1857.

[No. 181.]

AN ACT to amend sections fourteen and fifteen of an act entitled an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers, approved April eighth, eighteen hundred and fifty-one.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen of an act entitled an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers, approved April eighth, eighteen hundred and fifty-one, be and is hereby amended so that said section shall read as follows:

“Sec. 14. The boards of supervisors of the several counties of this State shall have power, within their respective counties, and all territory attached thereto by a majority of all the members elected, to divide or alter in its bounds any township, or erect a new township, upon application to the board, as hereinafter provided, of at least twelve freeholders of each of the townships to be affected by the division, and upon being furnished with a map of all the townships to be affected by the division, showing the proposed alterations; and if the application shall be granted, a copy of said map, with a certified statement of the action of said board thereunto annexed, shall be filed in the office of the clerk of such county, and a certified statement of the action of said board shall also be filed in the office of the Secretary of State; and it shall be the duty of the Secretary of State to cause the same to be published with the laws of the next legislature, after the filing thereof, in the same manner as other laws are published: *Provided, however*, That no part of the territory of one township shall be detached therefrom,

Board may divide or alter boundaries of townships.

Application.

Publication with laws.

Provide.

and added to another, unless application in writing for that purpose be made to such board by a majority of all the taxable inhabitants residing on the part of the territory to be so detached, whose names appear on the last preceding assessment roll of the supervisor of the township from which said territory is to be detached as aforesaid."

Notice of
intended ap-
plication.

Sec. 2. Section fifteen of said act is hereby amended so that said section shall read as follows:

"Sec. 15. Notice in writing of such intended application, subscribed by not less than twelve freeholders of the township or townships to be affected, shall be posted in five of the most public places in each of the townships to be affected thereby, four weeks next previous to such application to the board of supervisors; and a copy of such notice shall also be published once in each week four successive weeks immediately preceding the meeting of the board of the supervisors at which such application is to be made, in some newspaper printed in the county, if any shall be published therein."

Repeal.

Sec. 3. That act number fifty-nine, approved February tenth, eighteen hundred and fifty-five, of the session laws of eighteen hundred and fifty-five, be and the same is hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved February 17, 1857.

[No. 182.]

AN ACT to renew internal improvement land warrant issued by the Auditor General in the year eighteen hundred and forty-eight.

Selection of
lands may
be made
within one
year from
the passage
of this act,
in certain
cases.

"SECTION 1. *The People of the State of Michigan enact*, That in all cases where the holders of warrants issued by the Auditor General under the provisions of an act entitled an act to regulate the issuing of certain land warrants by the Auditor General, and limiting the time within which the same shall be receivable at the State Land Office in payment for internal improvement lands, approved March twenty-ninth, eighteen hundred and forty-eight, shall have neglected to make a selection of lands under such warrants, within the time limited by the provisions of said act, he may make such selection at any time within one year after the passage of this act, from any lands now held for sale

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by this State, in the Lower Peninsula, and said warrants may be received as payment therefor at the amount for which they were issued.

Sec. 2. So much of any act as contravenes the provisions of this act ^{Repeal} is hereby repealed.

Sec. 3. This act shall take immediate effect.

Approved February 17, 1857.

[No. 183.]

AN ACT to amend an act entitled an act to establish a police court in the city of Detroit, approved April second, eighteen hundred and fifty.

SECTION 1. *The People of the State of Michigan enact*, That a ^{New section added.} new section, to stand as section ten, shall be added to said act, which section shall read as follows:

Sec. 10. The said police justice shall have power to appoint a clerk ^{Police justice may appoint clerk.} for said court, who shall receive no fees for his services, but in lieu thereof an annual salary of five hundred dollars, payable quarterly from ^{Salary of clerk.} the county treasury of Wayne county, under the direction of the board of auditors for said county.

Sec. 2. This act shall take immediate effect.

Approved February 17, 1857.

[No. 184.]

AN ACT to amend an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and the act amendatory thereto, approved February ninth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one of an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, which was added by an act amendatory thereto, approved February ninth, eighteen hundred and fifty-five, be so amended that the said section read as follows:

“Sec. 31. All companies that have been or may be hereafter organized, subject to the provisions of this act, instead of eight feet in width of plank road required by section sixteen of this act, may construct all or ^{Companies may construct of gravel instead of plank} any portion of said road of gravel instead of plank, and may substitute

gravel instead of plank where plank is now used, or of stone so broken as to subserve the purposes of gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width, and the gravel of which the same is constructed be not less than seven inches in depth: *And provided*, Said companies shall be subject to all the provisions and penalties in regard to keeping said gravel road in repair, as are provided for in said act in relation to plank roads."

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New section added. SECTION 1. *The People of the State of Michigan enact*, That the following be added to chapter seventy-two, to stand as section sixty-one:

Appeals. Sec. 61. If any person shall fail to appeal from the decision and report of commissioners in pursuance of section twenty of said chapter, he may be authorized to appeal in pursuance of section thirty, chapter ninety-one of the revised statutes, in the same manner as in cases of appeals from orders or decrees of judges of probate.

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AN ACT to establish a State road between East Saginaw and Bay city.

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Route of road.

Duty of commissioners.

Sec. 2. It shall be the duty of said commissioners forthwith to meet and proceed to lay out and establish said road, and cause the same to

be surveyed, and cause a description thereof to be filed with the township clerk of each of the respective townships, whose duty it shall be to record the same, and such record shall be prima facie evidence of the existence of said road.

Sec. 3. The proper authorities of each of the several towns through which the said road shall run, may grant to a plank road company the right of way, and such right of way may be acquired by any such company in the same manner and form as is now provided by law in similar cases.

Township authorities may grant right of way for plank road.

Sec. 4. The right of way for such road through any lands belonging to the State be and is hereby granted and confirmed to the township in which such land shall lie.

Right of way thro' State lands. granted.

Sec. 5. The said commissioners shall be paid each the sum of two dollars per diem for their services, and the same shall be paid by the respective townships: *Provided*, No township shall pay to said commissioners for any services or time rendered or expended in any other township.

Compensation of commissioners.

Proviso.

Sec. 6. The State shall not be liable for any expenses incurred or damages sustained by reason of this act; and in case the road mentioned in this act shall not be laid out and established within three years from the passage of this act, the provisions therein contained shall be void.

State not to be liable for expenses.

Sec. 7. It shall be the duty of the commissioners of highways in any organized township through which said road may pass, to open and work the same in the manner and by virtue of the same law as township roads are required to be open and worked.

Duty of highway commissioners.

Sec. 8. The commissioners appointed by this act may make application to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be when private property is taken for said road, to ascertain the necessity for taking such property, and the compensation thereof shall be certified in writing by said commissioners, and the certificates filed in the office of register of deeds for the county in which such lands are situated.

Proceedings when private property is to be taken for use of road.

Sec. 9. This act shall take immediate effect.

Approved February 17, 1857.

[No. 187.]

AN ACT to organize the township of Pierson, in the county of Mecosta.

Pierson
organized.

SECTION 1. *The People of the State of Michigan enact, That townships eleven and twelve north, of ranges nine and ten west, in the county of Mecosta, be and the same are hereby organized into a separate township by the name of Pierson, and the first township meeting in said township shall be held at the house of David Pierson.*

Pierson
attached to
Montcalm.

Sec. 2. The said township shall be attached to the county of Montcalm, for municipal and representative purposes.

Approved February 17, 1857.

[No. 188.]

AN ACT to provide for the incorporation of Mechanics' Associations.

Association
may be
formed.

SECTION 1. *The People of the State of Michigan enact, That associations may be formed and incorporated for the purposes of promoting the mechanic arts in this State, for the relief of distressed mechanics, whether members of any such association or otherwise, and for such other charitable purposes as may be deemed proper by such association, connected with the mechanical and architectural arts.*

Articles of
agreement.
How enter-
ed into.

Sec. 2. That any six or more persons, residents of this State, desirous to become incorporated for the above named objects, may execute under their hands, and acknowledge before some officer of this State having authority to take the acknowledgment of deeds, articles of agreement as hereinafter specified, one copy whereof, verified by the affidavit of two or more of the trustees, shall be filed and recorded in the office of the Secretary of State, and another, verified in the same manner, in the office of the county clerk of the county in which their place of business shall be; and upon the execution of such articles of agreement, the acknowledgment thereof, and the filing of such copies as aforesaid, the parties signing the same, and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes aforesaid.

To be re-
corded and
filed.

What
articles to

Sec. 3. Such articles of association shall contain:

1. The names of the persons associating in the first instance, and contain their places of residence:

2. The name of such corporation, and the place where its office for the transaction of business is established, and the period for which it is incorporated, not exceeding thirty years:

3. The purposes for which it is incorporated, mentioned in the first section of this act:

4. The number of trustees and regular officers, and the time of holding its annual meetings:

5. The terms and conditions of membership therein.

Sec. 4. Every association formed under this act shall have all the rights, powers and privileges granted by, and shall be subject to all the provisions of, chapter number fifty-five, in title number ten of the revised statutes, so far as the same are not repugnant to the constitution or to this act. Rights, powers and privileges.

Sec. 5. The affairs of such association shall be managed by not less than five nor more than nine trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors shall be chosen; a treasurer shall be appointed from the number of trustees, and the other regular officers shall be members of the association. A majority of the trustees shall be a quorum to transact business, and they may adopt such by-laws, not repugnant to this act or to such articles of association, as they may see fit, and change the same at pleasure. How affairs of association managed.

Sec. 6. No such association shall have power to take or hold any real estate, except such as may be actually occupied in the exercise of its franchises, and except such as it may acquire in security for or satisfaction of debts justly due it. Not to hold real estate except for certain purposes.

Sec. 7. All funds received by such association shall be used in the first instance, or shall be invested and the income thereof used, after paying necessary expenses, exclusively for the purposes, or some of them, mentioned in the articles of association. Such association may take by gift, subscription, purchase or devise, money to an amount not exceeding fifty thousand dollars; and it shall be lawful to invest the same upon mortgage or by loan in railroad stocks or bonds, or any city, county, state or government securities; but no loan shall be made to any trustee or officer of such association: *Provided*, That any such association may, in its articles of agreement, designate the kinds of securi- How funds to be used.

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Pierson
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Articles of
agreement.
How entered
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Sec. 2. That any six or more persons, residents of this State, desirous to become incorporated for the above named objects, may execute under their hands, and acknowledge before some officer of this State having authority to take the acknowledgment of deeds, articles of agreement as hereinafter specified, one copy whereof, verified by the affidavit of two or more of the trustees, shall be filed and recorded in the office of the Secretary of State, and another, verified in the same manner, in the office of the county clerk of the county in which their place of business shall be; and upon the execution of such articles of agreement, the acknowledgment thereof, and the filing of such copies as aforesaid, the parties signing the same, and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes aforesaid.

To be re-
corded and
filed.

What
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3. The purposes for which it is incorporated, mentioned in the first section of this act:

4. The number of trustees and regular officers, and the time of holding its annual meetings:

5. The terms and conditions of membership therein.

Sec. 4. Every association formed under this act shall have all the rights, powers and privileges granted by, and shall be subject to all the provisions of, chapter number fifty-five, in title number ten of the revised statutes, so far as the same are not repugnant to the constitution or to this act. Rights, powers and privileges.

Sec. 5. The affairs of such association shall be managed by not less than five nor more than nine trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors shall be chosen; a treasurer shall be appointed from the number of trustees, and the other regular officers shall be members of the association. A majority of the trustees shall be a quorum to transact business, and they may adopt such by-laws, not repugnant to this act or to such articles of association, as they may see fit, and change the same at pleasure. How affairs of association managed.

Sec. 6. No such association shall have power to take or hold any real estate, except such as may be actually occupied in the exercise of its franchises, and except such as it may acquire in security for or satisfaction of debts justly due it. Not to hold real estate except for certain purposes.

Sec. 7. All funds received by such association shall be used in the first instance, or shall be invested and the income thereof used, after paying necessary expenses, exclusively for the purposes, or some of them, mentioned in the articles of association. Such association may take by gift, subscription, purchase or devise, money to an amount not exceeding fifty thousand dollars; and it shall be lawful to invest the same upon mortgage or by loan in railroad stocks or bonds, or any city, county, state or government securities; but no loan shall be made to any trustee or officer of such association: *Provided*, That any such association may, in its articles of agreement, designate the kinds of securi- How funds to be used.

ties in which its funds may be invested, in which case, no part of its funds shall be invested in any securities other than named in its articles.

Report to
be made
when re-
quired.

Sec. 8. Any such association, whenever required by the Attorney General or the Legislature, shall report to him or them under the oath of at least two of its trustees, a full and true statement of its condition and affairs; and for any willful neglect to make such report within a reasonable time after the same is so required, the association shall be liable to pay to the people of this State a fine of fifty dollars; or, if the Attorney General shall so elect or be instructed by the Governor, he may proceed against such association, by information, to forfeit its charter for such neglect.

How associ-
ations may
consolidate.

Sec. 9. Any association or society now incorporated for any of the above purposes, or hereafter to become incorporated under this act, may become consolidated with any one created by virtue of this act, into a single corporation, which may be done by the vote or resolution of a majority of the members of each, at a meeting called for that purpose, a copy of which vote or resolution, signed by the presiding officer and secretary of such meeting, and verified by their affidavit, shall be filed in the office of the Secretary of State, and another signed and verified in like manner, shall be filed in the office of the county clerk of the county where their place of business is. And upon such filing and an agreement entered into, and copies thereof filed as hereinafter provided, said corporations shall thereby become one association under this act, to be called and known by such name as shall be given it in said agreement, but subject to the provisions of this act, and entitled to the same franchises and privileges as if it had been formed without such consolidation.

What agree-
ment to
contain.

Sec. 10. Such agreement shall contain:

1. The terms and conditions of such consolidation and the disposition of the corporate property of each:
2. The name of the association thereby formed, the place where its office for the transaction of business is established, and the period for which it is incorporated, not exceeding thirty years:
3. The purposes set forth in the first section of this act:
4. The number of trustees and regular officers, and the time of holding its annual meetings:

5. The terms and conditions of membership therein; which agreement shall be executed and acknowledged, and copies thereof signed, verified, filed and recorded as provided in the first section of this act: *Provided, however,* That for the purposes of paying and enforcing the ~~provision~~ payment of its debts and liabilities, and the protection of all the rights of creditors and claimants, the members and the property of each such association shall be subject to the same remedies as if such consolidation had not taken place.

Sec. 11. All societies or associations, organized as aforesaid, shall ^{Libraries,} ~~have~~ have the right to keep and maintain libraries, and make all needful by-laws for the good government and regulation of the same.

Sec. 12. This act shall take immediate effect.

Approved February 17, 1857.

[No. 189.]

AN ACT to amend an act entitled an act to amend an act entitled an act to amend an act entitled an act to incorporate the village of Coldwater, in the county of Branch, approved February 29, 1837, approved March 29 (19), 1845, approved February 10, 1855.

SECTION 1. *The People of the State of Michigan enact,* That section one of an act entitled "an act to incorporate the village of Coldwater, in the county of Branch," approved February twenty-ninth, eighteen hundred and thirty-seven, as amended by an act approved March nineteenth, eighteen hundred and forty-five, and by an act approved February tenth, eighteen hundred and fifty-five, be and the same is hereby further amended so as to read as follows:

"Sec. 1. All that tract or parcel of land embraced in the following ^{boundaries} limits to wit: The south-west quarter of section fifteen, the south half of section sixteen, the north half of section twenty-one, and also all that part of the south half of said section twenty-one lying between the easterly line of Division street, so called, and the west line of Clay street, and included between said two streets, and the north half of ~~section~~ section twenty-two lying in the township of Coldwater, in the county of Branch, shall be and the same is hereby constituted a body politic and corporate by the name of the village of Coldwater."

Sec. 2. This act shall take effect in thirty days from and after its passage.

Approved February 17, 1857.

[No. 190.]

AN ACT for the relief of the Dexter and Mason plank road company.

Stock-
holders may
surrender
charter.

Proviso.

SECTION 1. *The People of the State of Michigan enact, That* the stockholders of the Dexter and Mason plank road company be and they are hereby authorized and empowered to surrender their chartered rights and franchises, at discretion, by giving three weeks' public notice of their intention so to do; such notice to be published in some public newspaper published in the county of Washtenaw, at least once in each week for three successive weeks prior to such surrender; and that upon the giving of such notice as above directed, and the ceasing by said company to collect tolls upon said road, the said company shall not thereafter be held liable to any person or persons to keep any portion of the public highway, now occupied by said company by their plank road, in repair: *Provided, That* nothing in this act contained shall in any way operate to release any stockholder of said company, or any subscriber to the stock of said company, from his liability by law to pay his just proportion of the expenses already incurred by said company; and that said company shall be liable to pay all debts that are now or may be hereafter contracted, in the same manner as though this act had not passed.

Approved February 17, 1857.

[No. 191.]

AN ACT for the relief of certain railroad companies in the Upper Peninsula.

Proviso of
Section 20
stricken out

SECTION 1. *The People of the State of Michigan enact, That* section twenty of an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June 3, 1856," passed at the present session of the Legislature, be amended by striking out the following proviso at the end of the section: "*Provided, That* the provisions of this section shall not

apply to railroad companies in the Upper Peninsula of this State, until after ten years from the passage of this act;" and substitute the following words: "*Provided*. That the railroad companies in the Upper Peninsula of this State shall be exempted from the taxes provided in this section until after ten years from the passage of this act;" so that the section as amended will read as follows: New proviso substituted.

Sec. 20. "In consideration of the grants of land and other privileges hereby conferred on each of the several railroad companies mentioned and named in section two of this act, the said several railroad companies are hereby required, within sixty days from and after the first day of each and every year, to pay into the treasury of this State, as a specific annual tax, one per cent. upon the cost of the road and its equipments and appurtenances of whatever kind, and it shall be lawful for the legislature of this State, in their discretion after ten years, to impose upon either or each of said railroad companies the payment of a further tax upon the gross or total earnings of such road, of not exceeding two per cent., which said above several taxes shall be in lieu of all other taxes to be imposed within this State: *Provided*, That the railroad companies in the Upper Peninsula of this State shall be exempted from the taxes provided in this section until after ten years from the passage of this act." Specific tax.
R. R. Co's.
in Up. Pen.
exempted.

Approved February 17, 1857.

[No. 192.]

AN ACT to provide for laying out and establishing State roads in the counties of Marquette, Houghton and Ontonagon.

SECTION 1. *The People of the State of Michigan enact*, That Christopher C. Douglass, James Bendry, and Richard Edwards, of the county of Houghton, be and they are hereby appointed commissioners to lay out and establish a State road on the most eligible route from Portage Lake to L'Anse; and that Charles Johnson, Samuel Peck, of Marquette, and Jacob B. Bennet, of L'Anse, in the county of Houghton, be and they are hereby appointed commissioners to lay out and establish a State road from L'Anse, in the county of Houghton, on the most eligible route to Marquette, in the county of Marquette; and that Joseph Coulter, John Low, of Ontonagon, be and they are hereby appointed. Commissioners appointed.
Route of road.

commissioners to lay out and establish a State road from L'Ance, in the county of Houghton, on the most eligible route to the terminus of the plank road in the township of Greenland, in Ontonagon county.

Duty of
commissioners.

Sec. 2. It shall be the duty of said commissioners, or a majority of them, on or before the first day of December, A. D. eighteen hundred and fifty-seven, to assemble and proceed to lay out and establish the said several roads, as provided for in section one, and cause the same to be surveyed, and a description thereof to be filed with the township clerk of the respective townships through which either of said roads shall run, whose duty it shall be to record the same; and such record shall be prima facie evidence of the existence of said road.

Right of
way thro'
State lands
granted.

Sec. 3. The right of way for any such roads through any lands belonging to the State shall be and is hereby granted and confirmed to the townships through which any of said roads may be laid out and established.

Commis-
sioners to
take oath
and give
bond.

Sec. 4. It shall be the duty of said special commissioners, before entering upon the duties of their office, to take and subscribe an oath to faithfully perform the duties herein assigned them, and file the same in the office of the county clerk of their respective counties; and each of them shall deliver to the county treasurer of said counties a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be by him approved, conditioned for the faithful performance of all the duties imposed upon them by this act; and in default thereof, it shall be the duty of the said county treasurers to prosecute the same in the same manner as bonds are prosecuted against county officers.

Filling
vacancies.

Sec. 5. In case any of said commissioners shall neglect or refuse to serve as such, the county treasurer of the county in which such vacancy may occur shall have power to appoint commissioners to fill such vacancy, and upon such application in writing, made by five freeholders, resident citizens of the township in which such commissioners did reside, shall proceed at once, or without unnecessary delay, to appoint a commissioner to fill such vacancy. The commissioner so appointed shall have the same power as the commissioner appointed by this act.

Proceedings
when
private
property is
required for
use of road.

Sec. 6. The commissioners appointed by this act may make application to any judge of the circuit court, either in vacation or term time, for the appointment of three commissioners, whose duty it shall be, when private property is taken for said road, to ascertain the necessity

for taking said property, and appraise the damage thereon, if any is claimed, and the necessity for taking such property and the compensation therefor shall be certified to in writing by said commissioners, and the certificates filed in the office of register of deeds for the county in which such land is situated.

Sec. 7. For the purpose of establishing and improving said roads, there shall be and hereby is appropriated all of the non-resident high-way taxes of the year eighteen hundred and fifty-seven, and for five years thereafter, that may be assessed in the respective townships through which said roads, or any of them, shall pass. Said moneys to be paid said special commissioners, or any of them, upon the order of said commissioner or commissioners, by the township treasurer of the proper township, or any overseer or commissioner of highways who may hold the same. Certain high way taxes appropriated.

Sec. 8. The above named commissioners shall be entitled to receive as compensation for any services rendered in the discharge of any of their duties imposed upon them by virtue of this act, a sum not exceeding two dollars per day for the time employed in carrying out its provisions; and their accounts for the same, verified by their oaths, shall be audited by the board of supervisors of their respective counties, and paid out of any money to the credit of said fund. Compensation of commissioners.

Sec. 9. The State shall not be liable for any expense incurred or damage sustained by reason of this act. State not liable for expenses.

Sec. 10. This act shall take immediate effect.

Approved February 17, 1857.

[No. 193.]

AN ACT making appropriations for the State Normal School.

SECTION 1. *The People of the State of Michigan enact, That the State Treasurer shall transfer from the general fund to the normal school interest fund, the sum of seven thousand seven hundred dollars, for the year eighteen hundred and fifty-seven, and six thousand dollars for the year eighteen hundred and fifty-eight, which sums are hereby appropriated to the normal school interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.* Appropriation for 1857 and 1858.

Sec. 2. This act shall take immediate effect.

Approved February 20, 1857.

[No. 194.]

AN ACT to change the name of the township of Stony Creek, in the county of Oceana.

Benona.

SECTION 1. *The People of the State of Michigan enact, That the name of the township of Stony Creek, in the county of Oceana, be and the same is hereby changed to that of Benona.*

Approved February 12, 1857.

[No. 195.]

AN ACT to discontinue a portion of a certain State road.

SECTION 1. *The People of the State of Michigan enact, That that portion of the highway known as the State road, running through sections four and five, in the township of Martin, in the county of Allegan, be and the same is hereby discontinued.*

Approved January 29, 1857.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION relative to providing further safeguards for the
St. Mary's Falls Ship Canal.

Whereas, The Congress of the United States did, on the 26th day of August one thousand eight hundred and fifty-two, grant to the State of Michigan seven hundred and fifty thousand acres of public lands for the purpose of aiding said State in constructing and completing a canal around the falls of St. Mary's in St. Mary's river in said State, and

Whereas, Said appropriation has been expended in accordance with the terms of the grant, and said canal completed by the contractors and accepted by the State, and

Whereas, It is found that additional safeguards are necessary to render secure this great national work, therefore

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use all honorable means to obtain an appropriation of \$50,000 in money, to be expended in rendering as safe and secure as may be the work above mentioned.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions, together with copies of the report of the superintendent of said canal for the year 1856, to each of our Senators and Representatives in Congress.

This joint resolution shall take effect immediately.

Approved January 24, 1857.

ties in which its funds may be invested, in which case, no part of its funds shall be invested in any securities other than named in its articles.

Report to be made when required.

Sec. 8. Any such association, whenever required by the Attorney General or the Legislature, shall report to him or them under the oath of at least two of its trustees, a full and true statement of its condition and affairs; and for any wilful neglect to make such report within a reasonable time after the same is so required, the association shall be liable to pay to the people of this State a fine of fifty dollars; or, if the Attorney General shall so elect or be instructed by the Governor, he may proceed against such association, by information, to forfeit its charter for such neglect.

How associations may consolidate.

Sec. 9. Any association or society now incorporated for any of the above purposes, or hereafter to become incorporated under this act, may become consolidated with any one created by virtue of this act, into a single corporation, which may be done by the vote or resolution of a majority of the members of each, at a meeting called for that purpose, a copy of which vote or resolution, signed by the presiding officer and secretary of such meeting, and verified by their affidavit, shall be filed in the office of the Secretary of State, and another signed and verified in like manner, shall be filed in the office of the county clerk of the county where their place of business is. And upon such filing and an agreement entered into, and copies thereof filed as hereinafter provided, said corporations shall thereby become one association under this act, to be called and known by such name as shall be given it in said agreement, but subject to the provisions of this act, and entitled to the same franchises and privileges as if it had been formed without such consolidation.

What agreement to contain.

Sec. 10. Such agreement shall contain:

1. The terms and conditions of such consolidation and the disposition of the corporate property of each:
2. The name of the association thereby formed, the place where its office for the transaction of business is established, and the period for which it is incorporated, not exceeding thirty years:
3. The purposes set forth in the first section of this act:
4. The number of trustees and regular officers, and the time of holding its annual meetings:

hereby authorized and directed to issue to Alexander R. Tiffany, of said county, a new certificate for the east half, and to Uriah Betts, of the township of Palmyra, a new certificate for the west half of the south half of the south-east quarter of section sixteen, in township seven south, of range four east, in the township of Palmyra, in said county of Lenawee, being primary school lands, and the same for which certificate number 246, bearing date the 22d day of August, 1837, was issued from said State Land Office, upon the surrender of said last mentioned certificate. The certificate to said Tiffany to be for the payment of one hundred and twelve dollars and ninety-two cents, and the interest thereon from the first day of March next, and the certificate to said Betts to be for the payment of twenty dollars and interest thereon from said first day of March next, (if such shall be found to be the amount unpaid on said first mentioned certificate,) if not, then for such amount as shall appear from the books in said office to be unpaid, in the manner and at the times prescribed by law.

This act shall take immediate effect.

Approved February 2. 1857.

[No. 5.]

JOINT RESOLUTION for the relief of school district number 12, in the town of Scipio, in the county of Hillsdale.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the Land Office be authorized and directed to give a patent for half an acre of land from the south-east corner of the south-east quarter of south-east quarter of section sixteen, in township five south of range three west, to school district number twelve, in the township of Scipio, for the building of a school house thereon: *Provided, however,* That the owner and holder of the certificate of purchase therefor shall sign her consent thereto on the back of said certificate in writing.

Approved February 2, 1857.

[No. 6.]

JOINT RESOLUTION respecting slavery in the territories.

Whereas, The people of this State did, at the late Presidential and State election, unequivocally condemn the fugitive slave law of 1850, and the principles and practical workings of the Kansas-Nebraska act of 1854; repudiating by a most distinct and emphatic utterance the repeal of the Missouri restriction, and the doctrine of *Squatter Sovereignty*;

And Whereas, The people have thus, by an overwhelming and unprecedented majority, endorsed the resolutions of instruction passed at the last session of this body;

And whereas, These instructions were utterly disregarded, notwithstanding the previous and oft-repeated avowal, on the part of our Senators of the doctrine of instructions;

And whereas, The experience of the last two years has but deepened our conviction of the imperative necessity of checking the encroachments of the slave power: Therefore,

Be it resolved by the Senate and House of Representatives, That in the name and by the authority of the people of the State of Michigan, we respectfully demand of our Senators, and earnestly ask of our Representatives, in Congress, to resist to the utmost the admission of any more slave states into the Union; and to use their best exertions to secure the immediate admission of Kansas as a free State, the repeal of the fugitive slave law of 1850, and the prohibition by law of slavery in all the territories and in the District of Columbia.

Resolved, That the Governor be requested to forward copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

This joint resolution is ordered to take immediate effect.

Approved February 4, 1857.

[No. 7.]

JOINT RESOLUTIONS instructing our Senators and Representatives in Congress in relation to the affairs of Kansas.

Whereas, It appears by the report of the special committee of the House of Representatives of the United States, sent to the territory of

Kansas in summer of 1856, under a resolution of the House, that the first legislature of said territory were, in open violation of the Kansas-Nebraska act, chosen by the votes of bodies of men from Missouri and other slave-holding States, who, by fraud and violence, succeeded in imposing upon the people of the territory a body of men claiming to possess legislative authority, but whose acts of pretended legislation are, by reason of such fraud and violence, void and of no effect; and

Whereas, Many of said acts are tyrannical, and a gross infringement of the constitutional rights of the people of the United States, and, as they have been justly characterized, a disgrace to the civilization of the age; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of an act of Congress declaring the Kansas code (so called) null and void, and particularly those provisions thereof which violate the freedom of speech and the press; which require of all territorial officers, counselors and attorneys test oaths in support of slavery; which require of the voter a base and degrading oath to support the fugitive slave law, as a condition of exercising the elective franchise; which disqualify jurors for their opinions against slavery, or which inflict cruel and unusual punishments (such as the wearing of the ball and chain) on persons convicted under said fraudulent and unconstitutional acts.

Resolved, That the Governor transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress.

These joint resolutions shall take immediate effect.

Approved February 10, 1857.

[No. 8.]

JOINT RESOLUTION relative to the distribution of the session laws, journals and documents of the legislature of the year eighteen hundred and fifty-seven.

Resolved by the Senate and House of Representatives of the State of Michigan, That the members and officers of the present legislature be and they are hereby entitled to one copy of the session laws passed.

in the year eighteen hundred and fifty-seven; also the journals and documents of the legislature of said year; and the Secretary of State be and he is hereby authorized and directed to forward one copy of each to the several members and officers of this legislature, by forwarding the same to the county clerk of the several counties of this State in which the members or officers reside, so soon as the same are printed, bound and ready for delivery.

Approved February 10, 1857.

[No. 9.]

JOINT RESOLUTION for the relief of Aura Smith.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the Land Office, be and is hereby authorized to issue (2) two new certificates in lieu of certificate number (157) one hundred and fifty-seven, issued to Aura Smith, of Girard, Branch county, for the east ($\frac{1}{2}$) one half of east ($\frac{1}{2}$) one half of south-east ($\frac{1}{4}$) quarter of section (16) sixteen, town (5) five south of range (6) six west; one for the south ($\frac{1}{4}$) one-fourth, and the other for the north ($\frac{3}{4}$) three-fourths of the land described above, and that said commissioner, upon the payment of such sum as he may require, is authorized to receipt in full the amount specified in the said certificate for said south ($\frac{1}{4}$) one-fourth, and upon presentation of such certificate so receipted in full, the Governor may issue his patent conveying the same to the said Aura Smith: *Provided,* That said Smith shall surrender said certificate to the said commissioner: *And provided also,* Said commissioner shall be satisfied that said Smith is the actual owner of said parcel of land.

This act is ordered to take immediate effect.

Approved February 10, 1857.

[No. 10.]

JOINT RESOLUTION to authorize the Auditor General to execute a tax deed to John M. Chase.

Resolved, That the Auditor General be and is hereby authorized and directed to execute and deliver to John M. Chase a tax deed of the

south-west ($\frac{1}{4}$) quarter of section (24) twenty-four, in township (6) six north of range (12) twelve west, for the year (1840) eighteen hundred and forty, upon sufficient proof that N. T. Ludden bid off said lands at the sale of lands delinquent for that year, and received a certificate to that effect, and that the said Ludden is deceased: *Provided*, That the said John M. Chase shall satisfactorily make it appear further that he is the lawful owner of the certificate aforesaid, and shall return the same to the Auditor General: *And provided further*, That the said Auditor General shall be satisfied that the said Chase is equitably entitled to a deed.

Approved February 10, 1857.

[No. 11.]

JOINT RESOLUTION for the relief of certain highway commissioners.

Whereas, The highway commissioners in the township of Atlas, in the county of Genesee, did, in the month of January, eighteen hundred and fifty-six, proceed to open an established highway in said town, where damages were claimed by one Lewis Cummings, a resident of said township, through whose farm said highway passed; and, under the legal advice and counsel of the prosecuting attorney of Genesee county, did proceed to assess the damages so claimed, by procuring the appointment of three commissioners, in accordance with the provisions of the statute of eighteen hundred and forty-six, and with a belief that the provisions of said statute were not incompatible with the revised constitution; which said commissioners awarded to said Cummings one hundred and seventy-five dollars, for which amount the said highway commissioners gave to said Cummings an order on the township treasurer aforesaid, in accordance with the said statute of eighteen hundred and forty-six; and

Whereas, In the month of March, eighteen hundred and fifty-six, the supreme court of our State, in a similar case, decided said law of eighteen hundred and forty-six incompatible with the revised constitution, thereby rendering void said commissioners' order; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the supervisors of the township of Atlas aforesaid

shall assess, and the township treasurer of said township shall collect and pay over to the holder of the aforesaid order, during the business year of eighteen hundred and fifty-seven, the sum of one hundred and seventy-five dollars aforesaid, with interest from its date, and shall in like manner assess, collect and pay over to the proper persons, the expenses of the award or appraisal aforesaid: *Provided*, That no money shall be paid to the said Cummings until a release shall be by him made and executed, granting the right of way in pursuance of the laws in such case provided.

Approved February 10, 1857.

[No. 12.]

JOINT RESOLUTION for the relief of William Davison, purchaser of primary school land.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, be and he is hereby authorized to issue to William Davison a new warrant in place of land warrant (2021) two thousand and twenty one, heretofore issued to said William Davison: *Provided*, That he shall be satisfied of the loss of the aforesaid certificate or warrant, and that said Davison is the lawful claimant for the land therein described: *Provided, also*, That all interest due on the aforesaid warrant shall be paid according to the books in the office of said commissioner.

Approved February 12, 1857.

[No. 13.]

JOINT RESOLUTION for the relief of Henry Ferguson.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized and directed, upon the surrender of the original certificate number eight hundred and ninety-one, issued to Benjamin A. Chevois, for the sale of the north half of the south-west quarter of section number sixteen intownship eight south of range three east, to issue to Henry Ferguson a new certificate for said land, in place of said

original certificate, on good evidence that said Ferguson is the owner of said original certificate; and that said new certificate require the payment of the balance of the principal and interest unpaid upon said original certificate as the same appears upon the books in the office of said commissioner, in the same manner, and upon like condition, as prescribed in said original certificate, and that when paid said land shall be conveyed in like manner.

This joint resolution shall take immediate effect.

Approved February 11, 1857.

[No. 14.]

JOINT RESOLUTION relative to the erection of a light house on Lake Superior.

Whereas, It is deemed important and necessary for the safe navigation of the waters of Lake Superior, that a light house be erected by the United States, at Grand Marias, on Lake Superior, in the State of Michigan; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress, be and they are hereby requested to use their influence with the proper authorities at Washington, to procure the speedy erection of said light house.

Resolved, That the Governor be requested to forward a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

This joint resolution shall take immediate effect.

Approved February 13, 1857.

[No. 15.]

JOINT RESOLUTION for the relief of John Voggtlin.

Resolved by the Senate and House of Representatives of the State of Michigan, That upon the release and surrender, by the lawful holder thereof, to the Commissioner of the State Land Office, of certificate number six thousand six hundred and eighty-seven, of the sale of that

[No. 2.]

JOINT RESOLUTION to provide for the issuing a certain patent to Abijah Noyes, of Montcalm county.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State is hereby authorized to issue or cause to be issued to Abijah Noyes, his heirs or assigns, a patent for the south-east quarter of section number nineteen, in township number nine north, of range number seven west, upon satisfactory evidence being furnished to the Governor that the aforesaid Abijah Noyes, his heirs or assigns, are the rightful holders or owners of the certificate originally issued for the aforesaid parcel of land from the State Land Office in the year eighteen hundred and forty-five, by D. V. Bell, Commissioner of said Land Office, to one Sarah Case.

Approved January 29, 1857.

[No. 3.]

JOINT RESOLUTION authorizing the Governor to perfect the title of certain University and Primary School Lands claimed by Isaiah B. Ward.

Be it resolved by the Senate and House of Representatives, That the Governor of the State be and is hereby authorized and empowered to execute and deliver to Isaiah B. Ward title deeds of the N. E. one-fourth of section sixteen, in town one N., R. nine E., in the State of Michigan, upon the presentation and surrender of primary school certificates No. three hundred and fifty-two A, and three hundred and fifty-two B, and upon satisfactory proof of full payment to the State for said lands, and of equitable title in said Isaiah B. Ward.

This resolution shall take immediate effect.

Approved January 29, 1857.

[No. 4.]

JOINT RESOLUTION for the relief of Alexander R. Tiffany, and Uriah Betts, of the county of Lenawee.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office is

hereby authorized and directed to issue to Alexander R. Tiffany, of said county, a new certificate for the east half, and to Uriah Betts, of the township of Palmyra, a new certificate for the west half of the south half of the south-east quarter of section sixteen, in township seven south, of range four east, in the township of Palmyra, in said county of Lenawee, being primary school lands, and the same for which certificate number 246, bearing date the 22d day of August, 1837, was issued from said State Land Office, upon the surrender of said last mentioned certificate. The certificate to said Tiffany to be for the payment of one hundred and twelve dollars and ninety-two cents, and the interest thereon from the first day of March next, and the certificate to said Betts to be for the payment of twenty dollars and interest thereon from said first day of March next, (if such shall be found to be the amount unpaid on said first mentioned certificate,) if not, then for such amount as shall appear from the books in said office to be unpaid, in the manner and at the times prescribed by law.

This act shall take immediate effect.

Approved February 2, 1857.

[No. 5.]

JOINT RESOLUTION for the relief of school district number 12, in the town of Scipio, in the county of Hillsdale.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the Land Office be authorized and directed to give a patent for half an acre of land from the south-east corner of the south-east quarter of south-east quarter of section sixteen, in township five south of range three west, to school district number twelve, in the township of Scipio, for the building of a school house thereon: *Provided, however,* That the owner and holder of the certificate of purchase therefor shall sign her consent thereto on the back of said certificate in writing.

Approved February 2, 1857.

[No. 6.]

JOINT RESOLUTION respecting slavery in the territories.

Whereas, The people of this State did, at the late Presidential and State election, unequivocally condemn the fugitive slave law of 1850, and the principles and practical workings of the Kansas-Nebraska act of 1854; repudiating by a most distinct and emphatic utterance the repeal of the Missouri restriction, and the doctrine of *Squatter Sovereignty*;

And Whereas, The people have thus, by an overwhelming and unprecedented majority, endorsed the resolutions of instruction passed at the last session of this body;

And whereas, These instructions were utterly disregarded, notwithstanding the previous and oft-repeated avowal, on the part of our Senators of the doctrine of instructions;

And whereas, The experience of the last two years has but deepened our conviction of the imperative necessity of checking the encroachments of the slave power: Therefore,

Be it resolved by the Senate and House of Representatives, That in the name and by the authority of the people of the State of Michigan, we respectfully demand of our Senators, and earnestly ask of our Representatives, in Congress, to resist to the utmost the admission of any more slave states into the Union; and to use their best exertions to secure the immediate admission of Kansas as a free State, the repeal of the fugitive slave law of 1850, and the prohibition by law of slavery in all the territories and in the District of Columbia.

Resolved, That the Governor be requested to forward copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

This joint resolution is ordered to take immediate effect.

Approved February 4, 1857.

[No. 7.]

JOINT RESOLUTIONS instructing our Senators and Representatives in Congress in relation to the affairs of Kansas.

Whereas, It appears by the report of the special committee of the House of Representatives of the United States, sent to the territory of

Kansas in summer of 1856, under a resolution of the House, that the first legislature of said territory were, in open violation of the Kansas-Nebraska act, chosen by the votes of bodies of men from Missouri and other slave-holding States, who, by fraud and violence, succeeded in imposing upon the people of the territory a body of men claiming to possess legislative authority, but whose acts of pretended legislation are, by reason of such fraud and violence, void and of no effect; and

Whereas, Many of said acts are tyrannical, and a gross infringement of the constitutional rights of the people of the United States, and, as they have been justly characterized, a disgrace to the civilization of the age; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of an act of Congress declaring the Kansas code (so called) null and void, and particularly those provisions thereof which violate the freedom of speech and the press; which require of all territorial officers, counselors and attorneys test oaths in support of slavery; which require of the voter a base and degrading oath to support the fugitive slave law, as a condition of exercising the elective franchise; which disqualify jurors for their opinions against slavery, or which inflict cruel and unusual punishments (such as the wearing of the ball and chain) on persons convicted under said fraudulent and unconstitutional acts.

Resolved, That the Governor transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress.

These joint resolutions shall take immediate effect.

Approved February 10, 1857.

[No. 8.]

JOINT RESOLUTION relative to the distribution of the session laws, journals and documents of the legislature of the year eighteen hundred and fifty-seven.

Resolved by the Senate and House of Representatives of the State of Michigan, That the members and officers of the present legislature be and they are hereby entitled to one copy of the session laws passed.

in the year eighteen hundred and fifty-seven; also the journals and documents of the legislature of said year; and the Secretary of State be and he is hereby authorized and directed to forward one copy of each to the several members and officers of this legislature, by forwarding the same to the county clerk of the several counties of this State in which the members or officers reside, so soon as the same are printed, bound and ready for delivery.

Approved February 10, 1857.

[No. 9.]

JOINT RESOLUTION for the relief of Aura Smith.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the Land Office, be and is hereby authorized to issue (2) two new certificates in lieu of certificate number (157) one hundred and fifty-seven, issued to Aura Smith, of Girard, Branch county, for the east ($\frac{1}{2}$) one half of east ($\frac{1}{4}$) one half of south-east ($\frac{1}{4}$) quarter of section (16) sixteen, town (5) five south of range (6) six west; one for the south ($\frac{1}{4}$) one-fourth, and the other for the north ($\frac{3}{4}$) three-fourths of the land described above, and that said commissioner, upon the payment of such sum as he may require, is authorized to receipt in full the amount specified in the said certificate for said south ($\frac{1}{4}$) one-fourth, and upon presentation of such certificate so receipted in full, the Governor may issue his patent conveying the same to the said Aura Smith: *Provided*, That said Smith shall surrender said certificate to the said commissioner: *And provided also*, Said commissioner shall be satisfied that said Smith is the actual owner of said parcel of land.

This act is ordered to take immediate effect.

Approved February 10, 1857.

[No. 10.]

JOINT RESOLUTION to authorize the Auditor General to execute a tax deed to John M. Chase.

Resolved, That the Auditor General be and is hereby authorized and directed to execute and deliver to John M. Chase a tax deed of the

south-west ($\frac{1}{4}$) quarter of section (24) twenty-four, in township (6) six north of range (12) twelve west, for the year (1840) eighteen hundred and forty, upon sufficient proof that N. T. Ludden bid off said lands at the sale of lands delinquent for that year, and received a certificate to that effect, and that the said Ludden is deceased: *Provided*, That the said John M. Chase shall satisfactorily make it appear further that he is the lawful owner of the certificate aforesaid, and shall return the same to the Auditor General: *And provided further*, That the said Auditor General shall be satisfied that the said Chase is equitably entitled to a deed.

Approved February 10, 1857.

[No. 11.]

JOINT RESOLUTION for the relief of certain highway commissioners.

Whereas, The highway commissioners in the township of Atlas, in the county of Genesee, did, in the month of January, eighteen hundred and fifty-six, proceed to open an established highway in said town, where damages were claimed by one Lewis Cummings, a resident of said township, through whose farm said highway passed; and, under the legal advice and counsel of the prosecuting attorney of Genesee county, did proceed to assess the damages so claimed, by procuring the appointment of three commissioners, in accordance with the provisions of the statute of eighteen hundred and forty-six, and with a belief that the provisions of said statute were not incompatible with the revised constitution; which said commissioners awarded to said Cummings one hundred and seventy-five dollars, for which amount the said highway commissioners gave to said Cummings an order on the township treasurer aforesaid, in accordance with the said statute of eighteen hundred and forty-six; and

Whereas, In the month of March, eighteen hundred and fifty-six, the supreme court of our State, in a similar case, decided said law of eighteen hundred and forty-six incompatible with the revised constitution, thereby rendering void said commissioners' order; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the supervisors of the township of Atlas aforesaid

shall assess, and the township treasurer of said township shall collect and pay over to the holder of the aforesaid order, during the business year of eighteen hundred and fifty-seven, the sum of one hundred and seventy-five dollars aforesaid, with interest from its date, and shall in like manner assess, collect and pay over to the proper persons, the expenses of the award or appraisal aforesaid: *Provided*, That no money shall be paid to the said Cummings until a release shall be by him made and executed, granting the right of way in pursuance of the laws in such case provided.

Approved February 10, 1857.

[No. 12.]

JOINT RESOLUTION for the relief of William Davison, purchaser of primary school land.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, be and he is hereby authorized to issue to William Davison a new warrant in place of land warrant (2021) two thousand and twenty one, heretofore issued to said William Davison: *Provided*, That he shall be satisfied of the loss of the aforesaid certificate or warrant, and that said Davison is the lawful claimant for the land therein described: *Provided, also*, That all interest due on the aforesaid warrant shall be paid according to the books in the office of said commissioner.

Approved February 12, 1857.

[No. 13.]

JOINT RESOLUTION for the relief of Henry Ferguson.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized and directed, upon the surrender of the original certificate number eight hundred and ninety-one, issued to Benjamin A. Chevois, for the sale of the north half of the south-west quarter of section number sixteen intownship eight south of range three east, to issue to Henry Ferguson a new certificate for said land, in place of said

original certificate, on good evidence that said Ferguson is the owner of said original certificate; and that said new certificate require the payment of the balance of the principal and interest unpaid upon said original certificate as the same appears upon the books in the office of said commissioner, in the same manner, and upon like condition, as prescribed in said original certificate, and that when paid said land shall be conveyed in like manner.

This joint resolution shall take immediate effect.

Approved February 11, 1857.

[No. 14.]

JOINT RESOLUTION relative to the erection of a light house on Lake Superior.

Whereas, It is deemed important and necessary for the safe navigation of the waters of Lake Superior, that a light house be erected by the United States, at Grand Marias, on Lake Superior, in the State of Michigan; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress, be and they are hereby requested to use their influence with the proper authorities at Washington, to procure the speedy erection of said light house.

Resolved, That the Governor be requested to forward a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

This joint resolution shall take immediate effect.

Approved February 13, 1857.

[No. 15.]

JOINT RESOLUTION for the relief of John Voggtlin.

Resolved by the Senate and House of Representatives of the State of Michigan, That upon the release and surrender, by the lawful holder thereof, to the Commissioner of the State Land Office, of certificate number six thousand six hundred and eighty-seven, of the sale of that

portion of the primary school land known as the south-west quarter of the north-west quarter of section sixteen, of township one south of range eleven east, in Wayne county, issued on the twenty-sixth day of December, eighteen hundred and fifty-six, the former certificate numbered two thousand nine hundred and fifty-eight, issued for the sale thereof to Thomas Jeneson, dated May eighteenth, one thousand eight hundred and fifty, shall be deemed good and valid as between the State of Michigan and the legal owner thereof, his heirs and assigns; and he or they shall have the right to pay the interest due thereon in the year one thousand eight hundred and fifty-six, at any time within sixty days of the passage of this joint resolution, with the same effect as if such interest had been paid according to the terms of said certificate, and upon the payment of said interest, he or they shall be restored to all rights touching said land.

This joint resolution shall take immediate effect.

Approved February 13, 1857.

[No. 16.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to convey certain real estate to a school district in the county of Ingham.

Resolved by the Senate and House of Representatives, That the Commisssoner of the State Land Office be and is hereby authorized to execute to school district number eight, in the township of Alaieton and county of Ingham, a deed to and for a site for a school house, not exceeding nine rods square, from the south-eastquarter of the south-west quarter of section sixteen in town three north, of range one west, in the State of Michigan, upon satisfactory proof of quit claim to said district, by the person or persons, his or their heirs or assigns, who received from the land office the original certificate of purchase.

This joint resolution shall take immediate effect.

Approved February 14, 1857.

[No. 17.]

JOINT RESOLUTION for the relief of certain holders of land warrants.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General is hereby authorized to issue new warrants to the owners of land warrants numbered four hundred and twenty-eight, four hundred and twenty-nine, and four hundred and thirty, dated October twenty-eighth, eighteen hundred, and forty-eight, drawn for the sum of fifty dollars each, and of warrants numbered five hundred and eighty-one and five hundred and eighty-four, dated December eighth, eighteen hundred and forty-eight, for one hundred and fifty dollars; also of warrant numbered one hundred and seventy-eight, dated September eleventh, eighteen hundred and forty-eight, for the sum of seventeen dollars, and in the place thereof, the time for which said warrants were made receivable at the Land Office, having expired. Said warrants to be issued only on the surrender to the Auditor General of the above said original warrants.

This joint resolution shall take immediate effect.

Approved February 14, 1857.

[No. 18.]

JOINT RESOLUTION for the relief of school district number four of Lansing.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and is hereby authorized and directed to execute and deliver to school district number four in the township of Lansing, in the county of Ingham, a patent for lot six, of block one hundred and seventeen, according to the recorded plat of the village of Lansing.

Approved February 14, 1857.

[No. 19.]

(JOINT RESOLUTION relative to the indebtedness of the county of Washtenaw to the State.)

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General is hereby authorized to settle with the county of Washtenaw upon just and equitable terms; and after ascertaining how much the said county of Washtenaw is indebted to the State, if any, that he shall receipt the same, and discharge the said county therefrom, upon the payment of the principal thereof, by said county, with simple interest thereon.

This joint resolution shall take immediate effect.

Approved February 16, 1857.

[No. 20.]

JOINT RESOLUTION relative to the bridging of the Niagara river.

Resolved by the Senate and House of Representatives of the State of Michigan, That all navigable frontier waters between the United States and the British provinces are international public highways, the free and open use of which is secured by express treaty to the citizens of the United States, and the subjects of Great Britain; that no power exists in any State of this Union to obstruct the navigation of those waters by bridges or otherwise.

Resolved, That this legislature view with alarm the introduction of a bill in the legislature of the State of New York, authorizing the construction of a bridge across the Niagara river at or near Buffalo—destroying the safest harbor of refuge at the foot of Lake Erie—and do hereby remonstrate and protest against such obstruction to a navigation, in which the State of Michigan with the other States bordering on the northwestern lakes, have a common and unalienable right.

Resolved, The Governor be requested to forward copies of the foregoing resolutions to the president of the senate and speaker of the house of assembly of the State of New York, to be laid before their respective bodies.

Approved February 16, 1857.

[No. 21.]

JOINT RESOLUTION for the relief of James W. Elliott.

Whereas, James W. Elliott, then an officer and keeper in the Michigan State Prison, was, while in the discharge of his duty in such State Prison, on the seventeenth day of September, eighteen hundred and fifty-five, violently assaulted and beaten by a convict in said prison, named Williams;

And whereas, In consequence of such assault, and the wounds and injuries received by the said James W. Elliott, he has been and is now rendered wholly unable to attend to his labors in such prison, or to perform any labor whatever; and in view of the fact that said James W. Elliott has a family now, by this sad misfortune to him, left almost wholly dependent upon the charity of relatives and friends; and recognizing the right and duty of the State to grant aid, assistance or pension to the disabled officers of its institutions, when such disability shall have occurred from such causes, and while said officer was in the proper discharge of his duty: therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the sum of three hundred dollars per annum is hereby appropriated from the general fund in the treasury of this State for the term of five years from and after the first day of March next, for the relief of the said James W. Elliott and his lawful heirs; and the Auditor General is hereby authorized to draw his warrant upon the State Treasurer, semi-annually, upon the application of the said James W. Elliott or his lawful heirs, for the sum of one hundred and fifty dollars, on the first day of March, and upon the first day of August next, and upon each recurring first days of March and August for the period of five years as aforesaid; and upon the presentation of said warrant of the Auditor General, the State Treasurer is hereby authorized and required to pay the same out of any moneys in the general fund not otherwise appropriated.

This joint resolution shall take immediate effect.

Approved February 16, 1857.

[No. 22.]

JOINT RESOLUTION relative to the claim of Allen R. Burr.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized to adjust and allow the claim of Allen R. Burr, for balance his due on the purchase of a portion of the State agricultural farm, to the amount of one thousand fifty-nine and ninety-two one-hundredth dollars, (1,059 92-100.)

This joint resolution shall take immediate effect.

Approved February 16, 1857.

[No. 23.]

JOINT RESOLUTION relative to the claim of Whitney Jones against the State.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and empowered to audit and allow to Whitney Jones, such a sum as they, the said Board may deem just and equitable for lands deeded to the State of Michigan, adjoining the site and for the use of the House of Correction, which lands the board of control for said institution require in addition to the twenty acres selected and designated as said site, in accordance with the law establishing said institution.

Approved February 16, 1857.

[No. 24.]

(JOINT RESOLUTION relative to the title of certain lands.)

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized and empowered to restore to George N. Bond all the rights which have become forfeited in consequence of the non-payment of interest on "appraised university lands," as per certificate number six hundred, for lots numbered two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-two, two hundred and twenty-three and two hundred and twenty-

four, in Beeson's second addition to the village of Niles, in the county of Berrien: *Provided*, That said George N. Bond shall, on or before the first day of April next, pay or cause to be paid to the State Treasurer, all arrearages of principal and interest accruing on said lands, in consequence of neglect to pay the interest prescribed by law: *And provided further*, That no new certificate has been issued for any of said lots: *And provided*, That the said commissioner shall be satisfied of the equity thereof.

This joint resolution shall take immediate effect.

Approved February 16, 1857.

[No. 25.]

JOINT RESOLUTION confirming the title to certain lands in John R. Williams.

Whereas, John R. Williams, by a decree of the circuit court for the county of Wayne, in chancery, has been decreed the owner by purchase of Richard McGraw, and entitled to the possession of one-fourth part of the north-east quarter of the north-east quarter of section sixteen, in township two south, of range eight east, in the county of Wayne, more particularly described as follows: ten acres out of the north-east corner of said forty, beginning at the north-east corner of said forty, running thence west along the north line forty rods, thence south forty rods, thence east forty rods, thence north to the place of beginning;

And whereas, The said John R. Williams is desirous of paying in full his proportion of the principal, interest and demand now due to the State upon said land, and of receiving a deed therefor;

Resolved by the Senate and House of Representatives of the State of Michigan, That upon the payment by the said John R. Williams of the one-fourth part of the principal, interest and demand of the State of Michigan upon said forty acres, the Commissioner of the State Land Office, is hereby authorized to execute a sufficient deed of conveyance of said ten acres, to the said John R. Williams or his legal representatives.

This joint resolution shall take immediate effect.

Approved February 16, 1857.

[No. 26.]

JOINT RESOLUTION instructing the Attorney General to institute proceedings in behalf of the State respecting certain lands, and authorizing the Commissioner of State Land Office to make sale thereof.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Attorney General be and he is hereby instructed to institute the necessary proceedings to procure for the State the possession and benefit of all or any portion of the premises described in a mortgage executed by Andrew Mann to John D. Pierce, as Superintendent of Public Instruction, said mortgage being made as security for a loan from the primary school fund, bearing date the seventh day of August, A. D. eighteen hundred and thirty-seven, the premises described therein being the following: "Commencing at the quarter stake between sections twenty-five and twenty-six of township two south of range six west; thence running west forty rods; thence south forty-five and a half rods; thence east forty rods; thence north, on the section line, forty-five and a half rods, to the place of beginning; also the east half of block twenty, and seventy-eight feet of the east end of lot one, of block sixteen, in the village of Marshall;" and also of all or any portion of the premises described in a mortgage executed by Andrew Mann to John D. Pierce, as Superintendent of Public Instruction, for a loan from the University fund, bearing date the first day of December, A. D. eighteen hundred and forty, said mortgaged premises being situated in the county of Calhoun, and particularly described in said mortgage of record in the county of Calhoun: *Provided,* Upon examination the said Attorney General shall deem the title of the State valid in law or equity to all or any of the lands described in either of said mortgages; and the Commissioner of the State Land Office, after such examination and report from the Attorney General, is hereby authorized to make sale of the title of the State to all or any of said lands, upon such terms and conditions as to price and terms of payment as the said Attorney General and Commissioner of the State Land Office may determine.

Approved February 17, 1857.

[No. 27.]

JOINT RESOLUTION in regard to postage.

Resolved by the Senate and House of Representatives, That the Secretary of the Senate and Clerk of the House of Representatives, respectively, be authorized to receive the written statement of each member of the Senate, and of the House of Representatives respectively, of the amount of the postage on all mailable matter received by each during the session, and to certify said amount, not exceeding five dollars, so due to each of said members, and that the same be paid out of the State treasury.

Joint resolution is ordered to take immediate effect.

Approved February 17, 1857.

[No. 28.]

JOINT RESOLUTION respecting the United States circuit and district courts for this State.

Whereas, Our citizens in portions of this State remote from Detroit, now, and for some time past, have found it inconvenient, expensive, and otherwise onerous, to visit Detroit, where the United States courts for the District of Michigan are alone holden, for the transaction of business in said courts;

And whereas, Our State is fast settling in the north and north-western portions thereof, requiring, in justice to our citizens, a division of the State into two districts, making an east and a west district, in which districts Detroit should be the place of holding the courts for the eastern district, and Grand Rapids for the western district; therefore,

Resolved, That we believe it to be the duty of the Congress of the United States, to divide our State into two districts, respectively embracing such territory as will best promote the interest of our citizens, and that Detroit should be made the term place of the eastern, and Grand Rapids of the western district.

Resolved, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to use their influence and vote for the passage of an act of Congress that shall accomplish the object recited in the foregoing preamble and resolution.

Resolved, That the Governor be requested to forward copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved February 17, 1857.

[No. 29.]

JOINT RESOLUTION to cede to the United States certain land for a light house on Grand Island in Lake Superior.

Resolved by the Senate and House of Representatives, That such a quantity of the land on which the light house on Grand Island, in Lake Superior, stands, as shall be necessary, be and the same is hereby ceded to the United States for that purpose.

Approved February 17, 1857.

[No. 30.]

JOINT RESOLUTION relative to furnishing certain township officers with copies of laws.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby instructed to procure to be printed, in pamphlet form, so much of the revised statutes and session laws as has reference to the duties of highway commissioners and overseers of highways, and to forward to each of the county clerks a sufficient number of copies of said laws to supply each of said officers with one copy, relative to powers and duties of commissioners and overseers of highways.

This joint resolution shall take immediate effect.

Approved February 17, 1857.

[No. 31.]

JOINT RESOLUTION for the aid and relief of emigrants from Michigan to the territory of Kansas.

Resolved by the Senate and House of Representatives of the State of Michigan, That a sum not exceeding ten thousand dollars, to be

paid out of the general fund, be and the same is hereby appropriated for the aid and relief of emigrants from the State of Michigan to the territory of Kansas; the aforesaid sum, or any part thereof, to be drawn by the Governor, at his discretion, for the above mentioned purpose, and no other.

Approved February 17, 1857.

NOTE.—The words and sentences enclosed in brackets in the foregoing pages, were in the engrossed bills, as passed by the Legislature, but are not in the enrolled copies.

APPENDIX :

CONTAINING

CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS,

RELATIVE TO

THE ERECTION OF NEW TOWNSHIPS: ALSO

STATE TREASURER'S ANNUAL REPORTS

FOR THE YEARS 1855 & 1856.

APPENDIX.

ALLEGAN COUNTY.

BOARD OF SUPERVISORS, ALLEGAN COUNTY, }
Session October 8th, 1855. }

It is ordered by the board of supervisors of the county of Allegan, two-thirds of all the members elected voting therefor, that township No. four (4) north of range No. thirteen west in said county, be and the same is hereby set off from the town of Monterey, and organized into a separate township by the name of "Salem," and that the first township meeting for the election of township officers shall be held at the dwelling house of James Burnip in said township, on the first Monday in April, 1856, and Luke P. Brown, Henry Bear and Henry Wilson, electors of said township, are hereby appointed to act as inspectors of election at such township meeting.

And it is further ordered by this board, that the next annual township meeting in the township of Monterey shall be held at the school house in school district No. two (2) in said township.

E. B. BASSETT,
Chairman.

JAMES B. PORTER,
Clerk of Board.

State of Michigan, Allegan county, ss.:

I, James B. Porter, clerk of said county, do hereby certify the foregoing to be a true report of the action of the board of supervisors of said county pertaining to the formation of the town of Salem.

Witness my hand and seal at Allegan, this 9th day of Oc-
[L. S.] tober, A. D. 1855.

JAMES B. PORTER,
Clerk.

BERRIEN COUNTY.

State of Michigan, county of Berrien, ss.

At a session of the board of supervisors of the county of Berrien, held at the court-house in the village of Berrien, in said county, on the fourth day of March, A. D. 1856, the following action was had by said board in relation to the division of the township of New Buffalo, and the organization of the territory taken therefrom into two new townships, to be called Three Oaks and Chikaming:

Whereas, A petition has been presented to the board of supervisors of Berrien county at its present session, signed by 104 voters and freeholders of the township of New Buffalo, asking for a division of said township, so that two new townships shall be set off and formed from the territory of said township, one of said new townships to be called Three Oaks and the other Chikaming; and

Whereas, It appearing that legal steps have been taken, by posting and publishing the required notices previous to this meeting of the board, and a map and survey furnished; therefore

Resolved, That the township of Three Oaks shall be bounded and described as follows, to wit: On the north by the north line of sections 32, 33, 34, 35 and 36, town 7 south, range 20 west; west, by the west line of section 32, town 7 south, range 20 west, and the west line of sections 5, 8, 17 and 20, town 8 south, range 20 west; south, by the State line of Indiana; and east, by the east line of towns 7 and 8 south, range 20 west; and that the first election for township officers in the township of Three Oaks shall be holden at the school-house near Chamberlain's side-track, on the first Monday of April, A. D. 1856, and that Abram Martin, J. D. Fitch and Henry Chamberlain are hereby appointed inspectors of such election; also,

Resolved, That the township of Chikaming shall be bounded and described as follows, to wit: On the north by the north line of town 7 south, range 20 west; west, by Lake Michigan; south, by south line of section 25, town 7 south, range 21, and south line of sections 25, 26, 27, 28, 29 and 30, town 7 south, range 20 west; east, by east line of town 7 south, range 20 west; and that the first election for township officers, in the township of Chikaming, shall be holden on the first Monday of April, A. D. 1856, at the store of J. N. Wilkinson & Co., and that Richard Peckham, Silas Sawyer and Alfred Ames are hereby appointed inspectors of such election; also,

Resolved, That the next township meeting in the township of New Buffalo shall be held at the school-house in the village of New Buffalo.

The question being upon the adoption of the foregoing resolutions, and the yeas and nays being ordered, the result was as follows, to wit:

Yeas—Messrs. Abbey, Barnard, Beaman, Crosby, Denn, Enos, Hazlett, Hand, Johnson, Jennings, Noggle, Pennell, Pearl, Woodruff and Winslow—15.

Nays—0.

(Signed,)

D. O. WOODRUFF,

Chairman of the Board.

WM. S. MERRILL,

Clerk.

State of Michigan, county of Berrien, ss.:

I hereby certify that the foregoing is a true copy of the proceedings of the board of supervisors of Berrien county aforesaid, relating to the division of the township of New Buffalo, and the organization of the townships of Three Oaks and Chickaming in said county.

Given under my hand at Berrien, the 6th day of March, A. D. 1856.

WM. S. MERRILL,

Clerk.

EMMET COUNTY.

AN ACT to divide the township of Charlevoix, in the county of Emmet.

SECTION 1. *The Board of Supervisors of the County of Emmet enact*, That that part of the township of Charlevoix, in the county of Emmet, known as town thirty-three north, of range five west, and so much of town thirty-three north, of range six west, as lies to the north-eastward of the main channel of the lake known as Green Lake, Long Lake, Pine Lake or Lake Mormon, shall be organized into a separate township by the name of Evangeline, and the first township meeting therein shall be held at the house of Rueben T. Nichols, the first Tuesday in April next.

Sec. 2. That part of the township of Charlevoix, in the county of Emmet, contained in ranges six and seven west, which lies to the south-westward of the main channel of the lake known as Green Lake, Long Lake, Pine Lake or Lake Mormon, shall be organized into a sep-

arate township by the name of Eveline, and the first township meeting therein shall be held at the house of William Biekle, on the first Tuesday in April next.

Sec. 3. All that part of the township of Charlevoix, known as range seven west, which lies northward of the main channel of the lake known as Green Lake, Long Lake, Pine Lake or Lake Mormon, is hereby set off from the township of Charlevoix and annexed to the township of Little Traverse.

Sec. 4. The remaining part of the township of Charlevoix, shall be and remain the township of Charlevoix.

Passed by a majority of votes of all the members elected to the board of supervisors, upon due notice and application according to law, at an adjourned sitting of the annual meeting of the Board of Supervisors, the 22d day of October, 1855.

GALEN B. COLE.

Chairman of the Board.

GEORGE T. PRESTON,

County Clerk.

State of Michigan, County of Emmet, ss.

I, George T. Preston, Clerk of the county of Emmet, certify the foregoing to be a true copy of an original act on file in my office, and a true statement of the action of the Board of Supervisors of said county on the several applications for the division of the township of Charlevoix.

Witness my hand and the seal of the circuit court of said
[L. S.] county, at Charlevoix, in said county, the 22nd day of
October, 1855.

GEORGE T. PRESTON,

Clerk.

AN ACT to provide for the organization of certain townships in the county of Emmet.

SECTION 1. *The Board of Supervisors of the county of Emmet enact*, That all that part of the township of Little Traverse, in the county of Emmet, included in towns thirty-five and thirty-six north of ranges five, six and seven west, shall be organized into a separate township by

the name of Arbour Croche, and the first township meeting therein shall be held at the school house in the village of Arbour Croche, the first Tuesday in April next.

Sec. 2. That part of the county of Emmet known as towns thirty-three, thirty-four, thirty-five and thirty-six, north of range four west, shall be organized into a separate township by the name of Utopia, and the first township meeting therein shall be held at the house of William De May in said township, the first Tuesday in April next.

Passed by a majority of votes of all the members elected to the board of supervisors, upon the notice and application according to law, at an adjourned sitting of the annual meeting of the board of supervisors, this 22d day of October, 1855.

GALEN B. COLE,

Chairman of the Board.

GEO. T. PRESTON,

County Clerk.

State of Michigan, county of Emmet, ss.:

I, George T. Preston, clerk of the county of Emmet, certify the foregoing to be a true copy of an original act on file in my office, and a true statement of the action of the board of supervisors of said county on the several applications for the organization of the townships of Arbour Croche and Utopia.

Witness my hand and the seal of the circuit court of said
[L. S.] county, at Charlevoix in said county, this 22d day of
October, 1855.

GEORGE T. PRESTON.

GENESEE COUNTY.

In pursuance of an application heretofore made according to law to the Board of Supervisors of the county of Genesee, to divide the township of Flint, it was, by said Board of Supervisors of the county aforesaid,

Resolved, 1. That all that part of the township of Flint included in township number seven north, of range number seven east, be and the same is hereby set off and organized into a separate township by the name of Burton, and that the first township meeting for the election of

officers shall be held on the first Monday of April, 1856, at the Ather-ton school house, in said township; and that Harlow Whittlesey, Henry D. Frost, and Nelson Norton, be and they are hereby appointed to pre-side at such meeting, appoint a clerk, open and keep the polls, and ex-ercise the same powers as the inspectors of elections at any township meeting, and that Harlow Whittlesey be and he is hereby appointed to post up notices according to law, of the time and place of such meeting in the newly organized township of Burton.

2. The next township meeting of the township of Flint, shall be held at the school house in school district number twenty-one, in said town-ship, and Robert P. Aitken, is hereby appointed to post up notices of the same according to law.

State of Michigan, County of Genesee, ss.

I hereby certify that the above is a true statement of the action of the Board of Supervisors of said county, upon the application to divide the township of Flint above referred to.

Given under my hand this 29th day of February, A. D. 1856.

M. D. SEELEY,
Clerk of said County.

GRATIOT COUNTY.

Whereas, Application has been made to the Board of Supervisors of the county of Gratiot, by petition, which said petition is signed by more than twelve freeholders of the unorganized territory of township number twelve north, of range number four west, in the State of Mich-igan, and within the legal boundaries of the county of Gratiot, to organ-ize the said territory into a township to be known and designated by the name of Seville;

And whereas, It has been made to appear by affidavit to said Board, that notice in writing, signed by more than twelve freeholders of the said unorganized territory, has been posted in five of the most public places in such unorganized territory, for four weeks next previous to such application; therefore,

Resolved, That the unorganized territory above mentioned be and the same is hereby organized into a separate township, to be known and designated by the name of Seville; and it is further

Resolved, That the first township meeting in such organized territory be held on the first Monday of April, A. D. 1856, and that the same be held at the house of Adam Oberlin, in said township, and that Adam Oberlin, Alexander Lott and James L. Shultz, electors of said township, shall preside at said meeting, and exercise the same powers as the inspectors of election at any township meeting.

HENRY LANE,

Chairman.

ORVILLE M. WOOD,

Clerk.

State of Michigan, County of Gratiot, ss.:

I do hereby certify that the foregoing preambles and resolutions were adopted by the Board of Supervisors of said county, on the third day of March, A. D. 1856.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of said county, at Gratiot Centre, this
6th day of May, A. D. 1856.

ORVILLE M. WOOD,

County Clerk.

Whereas, Application has been made to the Board of Supervisors of the county of Gratiot, by petition, which said petition is signed by at least twelve freeholders of the unorganized territory of townships number eleven and twelve north, of range number one west, in the State of Michigan, and within the legal boundaries of the county of Gratiot, to organize the said territory into a township to be known and designated by the name of Lafayette; and

Whereas, It has been made to appear by affidavit, to said Board, that notice in writing, signed by at least twelve freeholders of the said unorganized territory, has been posted in five of the most public places in such unorganized territory, for four weeks next previous to said application; therefore,

Resolved, That the unorganized territory above mentioned, be and the same is hereby organized into a township, to be known and designated by the name of Lafayette; and it is further

Resolved, That the first township meeting in such organized territory, be held on the first Monday of April, A. D. 1856, and that the same be held at the house of William M. Crandle, in said township, and that William M. Crandle, E. Mead and Alanson Roe, electors of said township, shall preside at said election, and exercise the same powers as inspectors of election at any township meeting.

HENRY LANE,

Chairman.

ORVILLE M. WOOD,

County Clerk.

State of Michigan, County of Gratiot, ss.:

I do hereby certify that the foregoing preamble and resolutions were adopted by the Board of Supervisors of said county, on the third day of March, A. D. 1856, as appears from the records remaining in my office.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of said county, at Gratiot Centre, this
6th day of May, A. D. 1856.

ORVILLE M. WOOD,

County Clerk.

Whereas, Application has been made to the Board of Supervisors of the county of Gratiot, by petition, which petition is signed by at least twelve freeholders of the unorganized territory of township number nine north, of range number one west, in the State of Michigan, and within the legal boundaries of the county of Gratiot, to organize the said territory into a township to be known and designated by the name of Elba, and

Whereas, It has been made to appear by affidavit, to said Board, that notice in writing, signed by at least twelve freeholders of the said unorganized territory, has been posted in five of the most public places in said unorganized territory, for four weeks next previous to said application; therefore,

[*Resolved*, That the unorganized territory above mentioned, be and the same is hereby organized into a township to be known and designated by the name of Elba; and it is further

Resolved, That the first township meeting in such organized territory, be held on the first Monday of April, A. D. 1856, and that the same be held at the house of Michael Miller, in said township, and that James Woolly, Ralph Sutfin and Geo. H. Sinclair, electors of said township, shall preside at said meeting, and exercise the same powers as the inspectors of any township meeting.

HENRY LANE,

Chairman.

ORVILLE M. WOOD,

County Clerk.

State of Michigan, County of Gratiot, ss.:

I do hereby certify that the foregoing preambles and resolutions were adopted by a unanimous vote of the Board of Supervisors of said county, on the 3d day of March, A. D. 1856.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of said county, at Gratiot Centre, this
6th day of May, A. D. 1856.

ORVILLE M. WOOD,

County Clerk.

—

Whereas, Application has been made to the Board of Supervisors of Gratiot county, by petition, which said petition is signed by at least twelve freeholders of the unorganized territory of township number eleven north, of range number four west, in the State of Michigan, and within the legal boundaries of the county of Gratiot, to organize the said territory into a township to be known and designated by the name of Sumner; and

Whereas, It has been made to appear by affidavit, to said Board, that notice in writing, signed by at least twelve freeholders of the said unorganized territory, has been posted in five of the most public places in the said unorganized territory, for four weeks next previous to said application; therefore,

Resolved, That the unorganized territory above mentioned be organized, and the same is hereby organized into a township, to be known and designated by the name of Sumner; and it is further

Resolved, That the first township meeting in said organized territory, be held on the first Monday of April, A. D. 1856, and that the same be held at the house of Michael McNamary, in said township, and that Homer L. Townsend, Barlow Worthing and Benjamin Walker, electors of said township, shall preside at said meeting, and exercise the same powers as the inspectors of election of any township meeting.

The question being upon the adoption of the foregoing preamble and resolutions, and the yeas and nays being called, the vote stood as follows: Yeas, Messrs. Bennitt, Burgess, Pettit, Crawford, Norton, Nelson and Lane, being all the members elect.

H. LANE,

Chairman.

ORVILLE M. WOOD,

Clerk.

State of Michigan, County of Gratiot, ss.:

I do hereby certify that the foregoing preamble and resolutions were adopted by the Board of Supervisors of Gratiot county, on the third day of March, A. D. 1856, as appears from the records remaining in my office.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of said county, at Gratiot Centre, this
6th day of May, A. D. 1856.

ORVILLE M. WOOD,

County Clerk.

At a meeting of the Board of Supervisors of the county of Gratiot, held at the house of R. Ely, on the eighth day of January, A. D. 1856, the following action was had by said Board in relation to the organization of a new township in said county, to wit:

Whereas, Application has been made to the Board of Supervisors of the county of Gratiot, by petition, signed by twelve freeholders of the unorganized territory of township number ten north, of range three west, in the State of Michigan, and within the legal boundaries of the county of Gratiot, to organize the said township into a separate township, to be known and designated by the name of Newark; and

Whereas, It has been made to appear by affidavit, to said Board, that notice in writing, signed by twelve freeholders of the said unorganized territory, has been posted in five of the most public places in said unorganized territory, for four weeks next previous to said application;

Resolved, That the unorganized territory above mentioned, is hereby organized into a township to be known and designated by the name of Newark; and it is further

Resolved, That the first township meeting of said organized territory be held on the first Monday of April, A. D. 1856, and that the same be held at the house of Geo. S. Waggoner, in said township, and that Walter S. Howd, John Baker and Rowland V. Smith, shall preside at said meeting as inspectors of said township meeting.

H. LANE,
Chairman.

E. PORTER,
Clerk.

State of Michigan, County of Gratiot, ss.:

I hereby certify the foregoing to be a correct statement of the action of the Board of Supervisors of this county, as near as can be ascertained from the records of said Board in this office.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county at
Gratiot Centre, this 6th day of May, A. D. 1856.

ORVILLE M. WOOD.

County Clerk.

At a meeting of the Board of Supervisors of Gratiot county, held on the eighth day of January, A. D. 1856, the following action was had by said Board in relation to the organization of a new township, to be known and designated by the name of Washington, viz.:

Whereas, Application has been made to the Board of Supervisors of the county of Gratiot, by petition, which said petition is signed by twelve freeholders of the unorganized territory of township number nine north, of range number two west, in the State of Michigan, and in the county of Gratiot, to organize the said territory into a township to be known and designated by the name of Washington; and

Whereas, It hath been made to appear by affidavit, to said Board, that notice in writing, signed by twelve freeholders of the said unorganized territory, has been posted in five of the most public places in said territory, for four weeks next previous to said application;

Resolved, That the unorganized territory above mentioned, be and the same is hereby organized into a township to be known and designated by the name of Washington; and it is further

Resolved, That the first township meeting in said organized territory be held on the first Monday of April, A. D. 1856, and that the same be held at the house of Edwin Tripp, and that Edwin Tripp, J. B. Smith and Alonzo A. Squire, electors of said township, shall preside at said meeting, and exercise the same powers as the inspectors of election at any township meeting.

H. LANE,
Chairman.
E. PORTER,
Clerk.

State of Michigan, County of Gratiot, ss.:

I do hereby certify that the foregoing is a correct statement of the action of the Board of Supervisors of this county, as near as can be ascertained from the records of their proceedings now in my office.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county, at Gratiot Centre, this 6th day of May, in the year of our Lord, one thousand eight hundred and fifty-six.

ORVILLE M. WOOD,
County Clerk of Gratiot County.

At a meeting of the Board of Supervisors of Gratiot county, held January 8th, 1856, the following action was had in relation to the organization of a new township from the unorganized territory of township number ten north, of range number three west, to organize and designate the said township by the name of Hamilton, viz.:

Whereas, Application has been made to the Board of Supervisors of the county of Gratiot, by petition, which said petition is signed by twelve freeholders of the unorganized territory of township number ten

north, of range number one west, in the State of Michigan, and in the county of Gratiot, to organize the said territory into a township to be known and designated by the name of Hamilton; and

Whereas, It has been made to appear by affidavit, to said Board, that notice in writing, signed by twelve freeholders, has been posted in five of the most public places in the said unorganized territory, for four weeks next previous to said application; therefore,

Resolved, That the unorganized territory above mentioned, be and the same is hereby organized into a township to be known and designated by the name of Hamilton; and it is further

Resolved, That the first township meeting in said organized territory be held on the first Monday of April, A. D. 1856, and that the same be held at the house of John Muffly, and that Elijah Curtis, Daniel Curtis and J. R. Cheesman, electors of said township, shall preside at said meeting, and exercise the same powers as the inspectors of election of any township meeting.

HON. H. LANE,

Chairman.

E. PORTER, A. M.,

Clerk.

State of Michigan, County of Gratiot, ss.:

I hereby certify the foregoing to be a correct statement of the action of the Board of Supervisors of this county, as near as can be ascertained from the journal of their performances remaining in this office.

Witness my hand and the seal of said county, this sixth

[L. S.] day of May, in the year of our Lord one thousand eight hundred and fifty-six.

ORVILLE M. WOOD,

County Clerk.

GRAND TRAVERSE COUNTY.

In the matter of application of Charles Holly, William Vanwormer, Walter G. Holly, James Rice, Cyrus Parish, A. Campbell, L. J. Barney, John McLaughlin, James H. Matthews, James P. Brand, William Slawson, John M. Goldard, D. E. Cushman, Oscar A. Hall, Chauncey Hall, H. H. Noble, A. W. Bacon, James Rankin and Paul Laroix, for the

erection of a new township, it appearing to the board of supervisors that application has been made, and that notices thereof have been signed and posted up in the manner required by law, and having duly considered the matter of said application, the board order that the territory described in said application bounded as follows, to wit: Bounded east by Torch Lake and Torch river, south by Round Lake, west by Elk Lake until it intersects with the section line running north between section ten (10) and eleven (11), to the south township line of township thirty (30) north, range nine (9) west, thence following said township line to Torch Lake as north boundary, be and is hereby erected into a township to be called and known by the name of the township of Milton. The first township meeting thereof shall be held at the house of Chauncey Hall, on the first Monday of April next, at nine o'clock A. M., and at said meeting, D. E. Cushman, John McLaughlin and Charles Holly, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting as the law provides.

And the said D. E. Cushman be and is hereby appointed to post up notices, according to law, of the time and place of such meeting in the newly organized township of Milton.

State of Michigan, county of Grand Traverse, ss.:

I, Theron Bostwick, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office as clerk of said board, on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Traverse City, in said county, on the 3d day of March, A. D. 1857, as appears by their record.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
3d day of March, A. D. 1857.

TERON BOSTWICK,

Clerk.

IONIA COUNTY.

IONIA COUNTY CLERK'S OFFICE, }
 January 12, 1856. }

SECRETARY OF STATE:

Sir:—At a session of the board of supervisors of the county of Ionia, on the 9th of January, A. D. 1856, they adopted a resolution or bill, of which the following is a copy:

Be it enacted by the Board of Supervisors of the county of Ionia,
 That so much of township seven north, of range six west, as now belongs to the township of Lyons, be and the same is hereby detached from said town of Lyons, and attached to the town of Ionia, for all township purposes.

This act to take effect from and after the 15th day of March next.
 January 11, 1856.

W. B. WELLS,
County Clerk.

KENT COUNTY.

State of Michigan, county of Kent, ss.:

EXTRACTS from the proceedings of the Board of Supervisors of the county of Kent, of date October 14, 1854, in the matter of the organization of the town of Nelson.

The committee on the organization of townships, having submitted the following report, on motion of Mr. Ferry, the same was adopted, to wit:

To the Board of Supervisors of the county of Kent:

Your committee, to whom was referred the within petition, would beg leave respectfully to report that they have had said petition under consideration, and would report in favor of granting the prayer of the petitioners; and recommend the adoption of the following preamble and resolution, to wit:

Whereas, A petition, signed by 17 freeholders of township number 10 north, of range 10 west, has been duly presented to this board, asking for the organization of said territory into a separate township; *And whereas,* It satisfactorily appears by the affidavits thereto attached that notice of such application has been posted up in five of the most public

places of said township, for four weeks next preceding said application, and that the same has been duly published in the *Grand River Eagle*, a public newspaper published in said county, for the said period of four weeks immediately preceding the present session of the board of supervisors of the county of Kent, as required by law; now, therefore,

Be it resolved by the Board of Supervisors of the county of Kent,
That all that part of the county of Kent designated in the United States survey as township number ten north, of range number ten west, be and the same is hereby set off from the township of Courtland, and organized into a new township by the name of Nelson, and that the first township meeting therein shall be held at the house of Charles H. Leake, in said township, on the first Monday of April, 1855; and that George N. Stoddard, George Hoyband and John S. Jones are hereby designated and appointed as inspectors of said election; and that the first township meeting in said township of Courtland be held at the Addison school house (so called), at or near the centre of said township.

And the yeas and nays being called, all of the members voted in favor of the adoption thereof. Thereupon the same was declared adopted, and said township to be duly organized accordingly.

State of Michigan, county of Kent, ss.:

I, P. R. L. Peirce, clerk of said county, do hereby certify the above and foregoing to be a true copy of the proceedings of the board of supervisors, of date October 14, 1854, in the matter of the organization of the township of Nelson, in said county.

In testimony whereof, I have hereunto set my hand and
[L. S.] official seal, at the city of Grand Rapids, in said county,
this 4th day of February, A. D. 1857.

P. R. L. PEIRCE,
Clerk.

State of Michigan, county of Kent, ss.:

EXTRACTS from the proceedings of the board of supervisors of the county of Kent of date January 10th, A. D. 1855, in the matter of the organization of the town of Tyrone.

The committee on the organization of townships having submitted

the following preamble and resolution, on motion of Mr. Nash, the same was adopted by the board, to wit:

To the Board of Supervisors of the county of Kent:

Your committee, to whom was referred the annexed petition, would beg leave respectfully to report that they have had said petition under consideration, and would report in favor of granting the prayer of the petitioners, and recommend the passage of the following preamble and resolution:

Whereas, A petition signed by twelve freeholders of township number ten (10) north, of range number twelve (12) west, has been duly presented to this board, asking for the organization of said territory into a separate township; *And whereas*, It satisfactorily appears by the affidavits thereto attached, that notice of such application has been posted up in five of the most public places of said township for four weeks next preceding said application, and that the same has been duly published in the Grand Rapids Enquirer, a public newspaper printed and published in said county of Kent for four weeks next preceding the date of this report, as required by law; now, therefore,

Be it resolved by the Board of Supervisors of the county of Kent, That all that part of the county of Kent designated in the United States survey as township number ten north, of range number twelve west, be and the same is hereby set off from the township of Sparta, and organized into a new township by the name of Tyrone, and that the first township meeting therein shall be held at the school house near Mrs. Louisa Scott's, on the first Monday of April next, and that Bela Chase, John Thompson and Patrick Thompson are hereby designated and appointed as inspectors of said election, and that the first township meeting in said township of Sparta be held at the house of Jacob A. Bradford in said township.

Dated January 10th, 1855.

THOMAS SPENCER,
FOSTER TUCKER,
ASA P. FERRY,

Committee.

Thereupon the ayes and nays being called thereon, and all the members voting in favor thereof, the same was declared duly adopted, and said township set off and organized accordingly.

State of Michigan, county of Kent, ss.:

I, P. R. L. Peirce, clerk of said county, do hereby certify the above and foregoing to be a true copy of the proceedings of the board of supervisors of date October, 1854, in the matter of the organization of the township of Tyrone in said county.

In testimony whereof, I have hereunto set my hand and
[L. S.] official seal, at Grand Rapids, in said county, this 4th
day of February, A. D. 1857.

P. R. L. PEIRCE,

Clerk.

State of Michigan, county of Kent, ss.:

EXTRACTS from the proceedings of the Board of Supervisors of the county of Kent, of date January 7th, 1857, in the matter of the organization of the township of Solon.

To the Board of Supervisors of the county of Kent:

Your committee, to whom was referred the petition of Reuben W. Jewell and others, for the purpose of organizing a new town, would beg leave respectfully to report that they have had said petition under consideration, and would report in favor of granting the prayer of the petitioners, and recommend the adoption of the following preamble and resolution:

Whereas, A petition, signed by twelve or more freeholders of township number ten (10) north, of range eleven (11) west, has been duly presented to this board, asking for the organizing of said territory into a separate township; and

Whereas, It satisfactorily appears by the affidavits thereto attached that notice of such application has been posted up in five of the most public places of said township, for four weeks next preceding said application, and that the same has been duly published in the Grand Rapids Eagle, a public newspaper printed and published in said county of Kent, for four weeks next preceding the date of this report, as required by law; now, therefore,

Be it resolved by the Board of Supervisors of the county of Kent, That all that part of the county of Kent designated in the United States survey as township number ten north, of range number eleven west, be

and the same is hereby set off from the township of Algoma, and organized into a new township by the name of Solon; and that the first township meeting in said town of Solon shall be held at the house of Walter Rowe, on the first Monday of April next, and that Reuben W. Jewell, Edward Jewell and Martin Hicks are hereby designated and appointed as inspectors of said election; and the Jacobs school-house in the town of Algoma is hereby designated as the place for holding the next township meeting in said town of Algoma.

BENJAMIN DAVIES,
JOHN H. WITHEY,
PHILO BEERS,

Committee.

And the same was unanimously adopted.

State of Michigan, county of Kent, ss.:

I, P. R. L. Peirce, clerk of said county, do hereby certify the foregoing to be a true copy of the proceedings of the board of supervisors of Kent county, in the matter of the organization of the town of Salon, of the date of January 7th, 1857.

In testimony whereof, I have hereunto set my hand and
[L. S.] official seal, at the city of Grand Rapids, in said county,
this 4th day of February, A. D. 1857.

P. R. L. PEIRCE,

Clerk.

LAPEER COUNTY.

At a session of the Board of Supervisors for the county of Lapeer, held at the office of the clerk of said county, on the 18th day of December, A. D. 1855, the following action was had by said board in relation to the organization of a new township in said county, known as Deerfield:

Whereas, Application has been made to the Board of Supervisors of the county of Lapeer by petition, which said petition is signed by more than twelve freeholders of the unorganized territory of townships number nine north, of range ten east, and number ten north, of range ten east, in the State of Michigan, and within the legal boundaries of

the county of Lapeer, to organize the said territory into a township, to be known and designated by the name of Deerfield; and

Whereas, A map and survey of said territory has been furnished to said Board, and it having been made to appear (by affidavit) to said Board, that notice in writing signed by more than twelve freeholders of the said unorganized territory, has been posted in five of the most public places in the said unorganized territory, for four weeks next previous to such application, and that a copy of said notice has been published once in each week for four successive weeks immediately preceding the meeting of this Board, in the Lapeer Democrat, a newspaper published in said county of Lapeer; therefore,

Resolved, That the unorganized territory above mentioned be and the same is hereby organized into a township, to be known and designated by the name of Deerfield; and it is further

Resolved, That the first township meeting in said organized territory, be held on the first Monday of April, A. D. 1856, and that the same be held at the house of Lorenzo Merrills, in said township, and that Lorenzo Merrills, Leonard Oliver and Martin Hoffman, electors of said township, shall preside at said meeting, and exercise the same powers as the inspectors of election at any township meeting.

The foregoing preamble and resolutions were adopted by an unanimous vote of the said Board of Supervisors.

JOHN PIERSON,

Chairman of the Board of Supervisors.

WILLIAM BEECH,

Clerk of the Board of Supervisors.

State of Michigan, county of Lapeer, ss.:

I do hereby certify that the foregoing preamble and resolutions were adopted by the Board of Supervisors of said county, on the eighteenth day of December, A. D. 1855.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of said county, this twenty-seventh day
 of March, A. D. 1856.

WILLIAM BEECH,

Clerk.

At a session of the board of supervisors for the county of Lapeer, held at the office of the clerk of said county on the 18th day of December, A. D. 1855, the following action was had by said board in relation to the organization of a new township in said county, known as Burlington:

Whereas, Application has been made to the board of supervisors of the county of Lapeer by petition, which petition is signed by more than twelve freeholders of the unorganized territory of the township number ten north, of range eleven east, in the State of Michigan, and within the legal boundaries of the county of Lapeer, to organize the said territory into a township to be known and designated by the name of Burlington;

And whereas, A map and survey of said territory has been furnished to said board, and it having been made to appear (by affidavit) to said board that notice in writing, signed by more than twelve freeholders of the said unorganized territory, has been posted in five of the most public places in said unorganized territory for four weeks next previous to said application, and that a copy of said notice has been published once in each week, for four successive weeks immediately preceding this meeting of this board, in the Lapeer Democrat, a newspaper published in said county of Lapeer; therefore,

Resolved, That the unorganized territory above mentioned be and the same is hereby organized into a township by the name of Burlington.

And it is further resolved, That the first township meeting in said organized territory be held on the first Monday of April, A. D. 1856, and that the same be held at the house of Edward Spencer in said township, and that Edward Spencer, Henry Bedell and William Kettle, electors of said township, shall preside at said meeting and exercise the same powers as the inspectors of elections at any township meeting.

The foregoing preamble and resolutions were adopted by an unanimous vote of the said board of supervisors.

JOHN PIERSON,

Chairman of the Board of Supervisors.

WILLIAM BEECH,

Clerk of the Board of Supervisors.

State of Michigan, county of Lapeer, ss.:

I do hereby certify that the foregoing preamble and resolutions were

adopted by the board of supervisors of said county on the 18th day of December, A. D. 1855.

In testimony whereof I have hereunto set my hand and af-
[L. S.] fixed the seal of said county this twenty-seventh day of
March, A. D. 1856.

WILLIAM BEECH,

Clerk.

At a session of the board of supervisors for the county of Lapeer, held at the office of the clerk of said county, on the 15th day of October, A. D. 1856, the following action was held by said board in relation to the organization of a new township in said county, known as Arcada:

Whereas, The application of eighteen freeholders, residents of the following unorganized territory, to wit: Township eight north, of range eleven east, has been duly made to organize said territory into a new township, and a map and survey thereof has been furnished the board of supervisors for said county of Lapeer; and

Whereas, Notice in writing of such intended application, subscribed by not less than twelve of said freeholders, has been duly published and posted according to the statute in such case made and provided; therefore,

Be it resolved, That the above described territory be and the same is hereby duly organized into a township, to be known and described by the name of Arcada; which said township is described as being within the limits and under the jurisdiction of the county of Lapeer, in the State of Michigan; and be it further

Resolved, That the first annual meeting for the election of township officers for the further organization of said township be held at the house of Wm. Shotwell, situated in said township of Arcada, on the first Monday in April next, and that the following persons, to wit, John B. Wilson, Joseph Nager, and Samuel Fitch, three electors of said township, be and they are hereby duly designated and appointed to preside at said township meeting, and to perform all the duties required by the statute in such case made and provided.

JOHN PIERSON,

Chairman.

WILLIAM BEECH,

Clerk of said Board.

State of Michigan, county of Lapeer, ss.:

I hereby certify that the foregoing is a true copy of the original papers in this office, organizing the aforesaid township, on file in said office, and also of record on the journal of the board of supervisors of said county of Lapeer.

In witness whereof, I have hereunto set my hand and seal
[L. S.] of office, this fourth day of February, A. D. 1856.

CHARLES RICH,
County Clerk.

At a session of the Board of Supervisors for the county of Lapeer, held at the office of the clerk of said county, on the 18th day of December, A. D. 1855, the following action was had by said Board in relation to the organization of a new township in said county, known as North Branch:

Whereas, Application has been made to the Board of Supervisors of the county of Lapeer by petition, which said petition is signed by more than twelve freeholders of the unorganized territory of township number nine (9) north, of range number eleven (11) east, in the county of Lapeer, in the State of Michigan, and within the legal boundaries of the said county of Lapeer, to organize the said territory into a township, to be known and designated by the name of the township of North Branch; and

Whereas, A map and survey of said territory has been furnished to said Board, and it having been made to appear (by affidavit) to said Board, that notice in writing signed by more than twelve freeholders of the said unorganized territory, has been posted in five of the most public places in the said unorganized territory, for four weeks next previous to said application, and that a copy of said notice has been published once in each week, for four weeks immediately preceding the meeting of this Board, in the Lapeer Democrat, a newspaper published in said county of Lapeer; therefore,

Resolved, That the unorganized territory embraced in township nine north, of range eleven east, above mentioned, be and the same is hereby organized into a township, to be known and designated by the name of North Branch; and be it further,

Resolved, That the first township meeting in the said unorganized territory, be held on the first Monday in April, A. D. 1856, and that the same be held at the house of Richard Beech, in said township, and that James Deming, Richard Beech and David C. Wattles, electors of said township, shall preside at said meeting, and exercise the same powers as the inspectors of elections at any township meeting.

The foregoing preamble and resolutions were adopted by an unanimous vote of the said Board of Supervisors.

JOHN PIERSON,

Chairman of the Board of Supervisors.

WILLIAM BEECH.

Clerk of the Board of Supervisors.

State of Michigan, county of Lapeer, ss.:

I do hereby certify that the foregoing preamble and resolutions were adopted by the Board of Supervisors of said county, on the eighteenth day of December, A. D. 1855.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of said county, this twenty-seventh day
of March, A. D. 1856.

WILLIAM BEECH,

Clerk.

MIDLAND COUNTY.

At a session of the board of supervisors for the county of Midland, held at the office of the county clerk, in Midland City, on the twenty-ninth (29) day of September, A. D. 1855, the following action was had by said board relative to the organization of a new township in said county, known as Egbert, to wit:

Whereas, The application of thirteen freeholders, residents of the following unorganized territory, to wit: townships sixteen and seventeen north, of ranges one east and one west, has been duly made to organize said territory into a township, and a map and survey thereof has been furnished the board of supervisors for the county of Midland; and

Whereas, A notice in writing of such application, subscribed by not less than twelve freeholders, residents of the territory to be affected by the said organization, has been duly published and posted in accordance with the requirements of the statutes; therefore,

Be it ordered by the Board of Supervisors for the county of Midland,
That the above described territory be and the same is hereby declared
duly organized into a township to be known and designated by the
name of Egbert, which said township is described as being within the
limits and jurisdiction of the county of Midland, in the State of Michi-
gan; and

Be it further ordered, That the first annual township meeting for the
election of officers in and for said township, be held at the house of
Abraham Egbert, in said township of Egbert, on the 20th day of Octo-
ber, A. D. 1855, and that the following named persons, to wit: Abra-
ham Egbert, Jacob Hagar and Daniel Bowman, being three electors of
said township, be and they are hereby designated and appointed to pre-
side at such township meeting, and to perform all the duties required
by the statutes in such case made and provided.

HENRY C. ASHMUN,

Chairman of Board.

EDWIN P. JENNINGS,

Clerk.

State of Michigan, county of Midland, ss.:

I, Edwin P. Jennings, clerk of said county, do hereby certify that the
annexed is a true copy of the map of townships sixteen and seventeen
north, of ranges one east and one west, in said county, known as the
township of Egbert, as furnished the board of supervisors of said coun-
ty; and that the foregoing is a true statement of the action of such board
in relation to the organization of said township, as appears of record in
my office.

In witness whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county, at
Midland City, this 5th day of March, A. D. 1856.

EDWIN P. JENNINGS,

County Clerk, Midland Co., Mich.

At a session of the board of supervisors of the county of Midland,
held at the office of the county clerk, in Midland city, on the first day
of October, A. D. 1855, the following action was had by said board,
relative to the organization of a new township in said county, known as
Ingersoll, to wit:

Whereas, The application of thirteen freeholders, residents of the following territory, to wit: township number thirteen (13) north, of range two (2) east, has been duly made to organize said territory into a township, and a map and survey thereof has been furnished the board of supervisors for the county of Midland; and

Whereas, A notice in writing of such application, subscribed by not less than twelve freeholders, residents of the territory to be affected by the said organization, has been duly published and posted, according to the statute in such case made and provided; therefore,

Be it ordered by the Board of Supervisors of the county of Midland, That the above described territory be and the same is hereby duly organized into a township, to be known and designated by the name of Ingersoll; which said township is described as being within the limits and jurisdiction of the county of Midland, in the State of Michigan; and it is hereby further

Ordered, That the first annual township meeting for the election of township officers be held at the house of David Cramton, in said township of Ingersoll, on the 20th day of October, A. D. 1855, and that the following named persons, to wit: Charles S. Blodget, Martin P. Cramton, and Eriel Chamberlin, being three electors of said township, be and they are hereby designated and appointed to preside at such township meeting, and to perform all the duties imposed and required by the statutes in such case made and provided.

HENRY C. ASHMUN,

Chairman of Board of Supervisors.

EDWIN P. JENNINGS,

Clerk.

State of Michigan, county of Midland, ss.:

I, Edwin P. Jennings, clerk of said county, do hereby certify that the annexed is a true copy of the map of township number thirteen north, of range two east, in said county, known and described as the township of Ingersoll, as furnished the board of supervisors of said county; and that the foregoing is a true statement of the action of such board in relation to the organization of said township, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed
[L. S.] the seal of the circuit court for said county, at Midland.
City, this 5th day of March, A. D. 1856.

EDWIN P. JENNINGS,
County Clerk of Midland county, Mich.

MONTCALM COUNTY.

State of Michigan, county of Montcalm, ss.:

At a meeting of the Board of Supervisors, March 4th, 1856, petitions were presented to organize the townships of Crystal and Evergreen, and it appearing from the affidavits that the petition had been printed and posted according to law; it was

Resolved, That town number (10) ten north, of range (5) five west, be detached from the township of Bloomer, in the county of Montcalm, and organized into a separate township by the name of Crystal, and that the first township meeting be held at the house of Eli Davis, and that the judges of election be Eli Davis, J. L. Smith and Henry Parker; it was also

Resolved, That town (10) ten north, of range (6) six west, be detached from the township of Bushnell, in said county of Montcalm, and be organized into a separate township by the name of Evergreen, and that the first town meeting be held at the house of Ira Rider, and that Ira Rider, William Morgan and Robert Bennett, be the inspectors of the first town meeting.

STEPHEN ROSSMAN,
Chairman.
E. T. PECK,
Clerk.

State of Michigan, county of Montcalm, ss.:

I hereby certify that the foregoing is a true copy of the proceedings of the Board of Supervisors of this county, relative to the organization of the above townships.

S. SPRAGUE,
County Clerk.

In the matter of the application of N. B. Scott, A. Connor, Wm. J. Carpenter, M. Douglass, H. Hubbell, George Shearman, Ebenezer Shearman, Christopher Hare, Eli Smith, Lucian Lewis, John D. Miller, Wilson Lee, for the erection and organization of a new township, it appearing to the board of supervisors that application has been made and that notice thereof has been signed, posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: town eleven (11) and twelve (12) north, of range five (5) west, and eleven (11) and twelve (12) north, of range six (6) west, be and the same is hereby erected into a township, to be called and known by the name of the township of Ferris. The first annual township meeting thereof shall be held at the house of N. B. Scott, on the 6th day of April, A. D. 1857, at eight o'clock in the forenoon, and at said meeting, N. B. Scott, M. Douglass and Lucian Lewis shall be the three electors of said township, and shall be the persons whose duty it shall be to preside at such meetings, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

State of Michigan, county of Montcalm, ss.:

I, Seth Sprague, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Ferris in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Greenville, in said county, on the 5th day of January, A. D. 1857, as appears by their record.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
9th day of February, A. D. 1857.

S. SPRAGUE,
County Clerk.

In the matter of the application of Samuel Youngman, David King, E. Smith, Seth Smith, Daniel Gallop, Frank S. Kniffin, James Taylor, C. King, Peter Johnson, J. Aldrich, S. Pearson, Lewis Buckley, for the erection and organization of a new township, it appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: town eleven (11) and twelve (12) north, and range seven (7) west, and eleven (11) and twelve (12) north and range eight (8) west, be and the same is hereby erected into a township to be called and known by the name of the township of Cato; the first annual township meeting thereof shall be held at the house of Samuel Youngman, on the 6th day of April, A. D. 1857, at eight o'clock A. M.; and at said meeting, Samuel Youngman, David King and Edward Smith, shall be the three electors of said township, and shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides.

State of Michigan, county of Montcalm, ss.:

I, Seth Sprague, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Cato, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting, held at Greenville, in said county, on the 5th day of January, A. D. 1857, as appears by their record.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
9th day of February, A. D. 1857.

S. SPRAGUE,
County Clerk.

In the matter of the application of Abner Hall, Lyman Johnson, Samuel Gillmore, William Lampman, Nathaniel Pherris, J. V. Noah, Charles Kellogg, H. Gillmore, John Ryan, George F. Noah, William H. Noah, Orin Phelps and S. Butterworth, for the erection and organization of a new township, it appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact, that the territory described in said application, bounded as follows, to wit: town ten (10) north, of range seven (7) west, be and the same is hereby erected into a township to be called and known by the name of the township of Sidney. The first annual township meeting thereof shall be held at the house of Joshua V. Noah, on the 6th day of April, A. D. 1857, at eight o'clock in the forenoon, and at said meeting Joshua V. Noah, William Lampman and Orin Phelps, shall be the three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same power as the inspectors of election at any township meeting, as the law provides.

State of Michigan, County of Montcalm, ss.:

I, Seth Sprague, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Sidney in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their meeting held at Greenville, in said county, on the fifth day of January, A. D. 1857, as appears by their record.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
9th day of February, 1857.

S. SPRAGUE,
County Clerk.

NEWAYGO COUNTY.

AN ACT to organize the town of Everett.

SECTION 1. *The Board of Supervisors of Newaygo County, State of Michigan, enact,* That that part of the township of Big Prairie described as towns thirteen, fourteen, fifteen and sixteen north, of range twelve west, be and the same are hereby set off from the township of Big Prairie, in said county of Newaygo, and organized into a new township by the name of Everett; and that the first township meeting for the election of township officers shall be held on the first Monday in April, 1856, at the school-house in Big Prairie; and that Alden Angvine, Everett Douglas, and Ephraim H. Utley, be inspectors of said meeting; and that Everett Douglas be appointed to post up notices of said meeting, as the law directs.

Sec. 2. That the next township meeting to be held in the township of Big Prairie be held at the house of Van Rensselaer P. French, on Big Prairie.

JAMES BARTON,

Chairman.

J. H. STANDISH,

Clerk of the Board.

State of Michigan, Newaygo County, ss.:

I, John H. Standish, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Everett, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at the county clerk's office, in said county, on the 7th day of January, A. D. 1856, as appears by their record.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
9th day of February, 1857.

J. H. STANDISH,

County Clerk.

AN ACT to organize the township of Fremont.

SECTION 1. *The Board of Supervisors of the county of Newaygo, State of Michigan, enact,* That townships sixteen, fifteen, fourteen, thirteen, and the north half of township twelve north, of range fourteen west; also the north-west quarter of township twelve north, of range thirteen west, and the west half of townships thirteen, fourteen, fifteen and sixteen north, of range thirteen west, be and the same are hereby set off from the township of Bridgton, in said county of Newaygo, and organized into a new township by the name of Fremont; and that the first township meeting for the election of township officers shall be held on the first Monday of April, 1856, at the house of Wilkes L. Stuart, in said township; and that Wilkes L. Stuart, Daniel Weaver, and Sheppard Tibbets, be and they are hereby appointed to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting; and that Daniel Weaver be and he is hereby appointed to post up notices, according to law, of the time and place of holding such meeting in the newly organized township of Fremont.

Sec. 2. The township of Bridgton shall hold their next annual township meeting on the first Monday in April, 1856, at the house of Alfred A. Maguin, in said township of Bridgton; and that Alfred A. Maguin be and he is hereby appointed to post up notices, according to law, of the time and place of holding such meeting.

Dated at Newaygo, this 5th day of November, 1855.

I hereby certify the foregoing to be a true statement of the action of the board of supervisors of Newaygo county, at a session held November 5th, 1855.

J. H. STANDISH,
County Clerk.

State of Michigan, Newaygo county, ss.:

I, John H. Standish, clerk of the county aforesaid and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Fremont, in my office, and furnished to said board on the application for the erection and organiza-

tion of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at the county clerk's office, in said county, on the 7th day of January, A. D. 1856, as appears by their record.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
7th day of January, A. D. 1856.

J. H. STANDISH,
Clerk, and Clerk of the Board of Supervisors.

AN ACT to organize the township of Dayton.

SECTION 1. *The Board of Supervisors of the county of Newaygo, State of Michigan, enact, That that part of the township of Fremont described as the north half of township thirteen north, of range fourteen west; also north-west quarter of township thirteen north, of range thirteen west, and townships fourteen, fifteen and sixteen north, of range fourteen west; also the west half of townships fourteen, fifteen and sixteen north of range thirteen west, be and the same are hereby set off from the township of Fremont, in said county of Newaygo, and organized into a township by the name of Dayton; and that the first township meeting for the election of township officers shall be held at the house of M. D. Bull, in said township, on the first Monday in April, A. D. 1857, and that Jacob Barnhard, Sylvanus Reed and James Bogue, be and they are hereby appointed to preside at said meeting, appoint a clerk, open and keep the polls, and exercise all the powers given to inspectors at any election, and that the said James Bogue be and he is hereby appointed to post up notices, according to law, of the time and place of said meeting in said newly organized township of Dayton.*

Sec. 2. Township of Fremont shall hold its next annual township meeting on the first Monday of April next, at the house of John Dickinson, in said township of Fremont, and that Wilkes L. Stuart be and he is hereby appointed to post up notices of the time and place of holding said meeting as the law directs.

Approved at Newaygo, January 6th, A. D. 1857.

JAMES BARTON,
Chairman of Board of Supervisors.
J. H. STANDISH,
County Clerk, and Clerk of Board of Supervisors.

State of Michigan, Newaygo county, ss.:

I, John H. Standish, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office as clerk of said board, and the copy thereto attached of the map or survey of the new township of Dayton in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their meeting held at the county clerk's office in said county, on the 6th day of January, A. D. 1857, as appears by their record.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
6th day of January, A. D. 1857.

JOHN H. STANDISH,
County Clerk, and Clerk of the Board of Supervisors.

—
COUNTY CLERK'S OFFICE, }
Newaygo County, Michigan. }

At a session of the board of supervisors of the county of Newaygo, held on Monday, November 5th, 1855, leave being granted, Daniel Weaver presented a petition, signed by more than twelve freeholders, residents of the territory sought to be organized, praying said board of supervisors to detach the following described territory from the township of Bridgton, and to organize the same into a township by the name of Fremont, viz.: the north half of township twelve, the entire of townships thirteen, fourteen, fifteen and sixteen north, range fourteen west; also the north-west quarter of township twelve north, range thirteen west, and the west half of townships thirteen, fourteen, fifteen and sixteen north, of range thirteen west.

It appearing to said board of supervisors that the notices required by statute had been posted, it was enacted that the above described territory be organized into a township by the name of Fremont, and that the first township meeting be holden at the dwelling house of Wilkes Stewart, that Wilkes Stewart, Daniel Weaver and Sheppard Tibbets, be authorized to act at said meeting in the capacity of inspectors, exercising the same powers as inspectors at any township meeting; also en-

acted by the said board, that the next annual township meeting in the township of Bridgton, be holden at the house of Alfred A. Maguin.

I hereby certify the foregoing to be a correct statement of the doings of said board of Supervisors in regard to the petition aforesaid.

J. H. STANDISH,
Clerk.

At an adjourned meeting of the board of supervisors of the county of Newaygo, holden on the 7th day of January, A. D. 1856, at the office of the county clerk of said county, on the petition of more than twelve freeholders, the board enacted that the following described territory be detached from the township of Big Prairie, and organized into a township by the name of Everett, viz.: townships thirteen, fourteen, fifteen and sixteen north, of range twelve west; also enacted that the first township meeting to be held in said township of Everett, be held at the school house on Big Prairie, in said township, and that Ephraim H. Utley, Alden Angevine and Everett Douglass be authorized to preside at said meeting in the capacity of inspectors, exercising all the powers possessed by inspectors of any township election; further enacted by said board, that the first township election to be holden in the township of Big Prairie, (from which the above described territory is taken,) be held at the house of Van Rensalaer P. French in said township.

I hereby certify the foregoing to be a correct statement of the action of the board of supervisors in regard to the petition aforesaid.

Given under my hand, at my office in the village of Newaygo, county of Newaygo, State of Michigan, this 25th day of January, A. D. 1856.

J. H. STANDISH,
Clerk.

OTTAWA COUNTY.

AN ACT to organize the township of Robinson.

The following act entitled an act to provide for the organization of a certain township in the county of Ottawa, was reported and passed:

Be it enacted by the Board of Supervisors of the County of Ottawa, State of Michigan, That township number seven north, of range number fifteen west, and all that part of township number eight north, of range number fifteen west, which lies on the south side of Grand River, be set off from the township of Ottawa, and organized into a new township to be called the township of Robinson, and that the first township meeting for the election of township officers shall be held on the first Monday in April, 1856, at the house of Ira Robinson, in said township, and that Frederick Ranny, Ira Robinson and Alfred Robinson, be and they are hereby appointed to preside at such meeting, appoint a clerk, and open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, and that Frederick Ranny is hereby appointed to post up notices according to law of the time and place of said meeting, in the newly organized township of Robinson.

Dated at Grand Haven this 8th day of January, 1856.

State of Michigan, County of Ottawa, ss.:

I hereby certify the foregoing to be a true copy of an act to organize the township of Robinson, passed at the session of the board of supervisors of Ottawa county, held January 8th, 1856.

TIMOTHY FLETCHER,
County Clerk.

SAGINAW COUNTY.

Whereas, Application of seventy-five freeholders, residents of the following territory, to wit: entire township thirteen (13) north, of range four (4) east, sections six (6), seven (7), eighteen (18), nineteen (19), and the north half of section thirty (30), in township thirteen (13) north, of range five (5) east, and sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, in township fourteen north, of range four east, has been duly made to organize said township, and a map thereof has been furnished the board of supervisors for the county of Saginaw; and

Whereas, Notice in writing of such application, subscribed by not less than twelve of said freeholders, has been duly published and posted according to the statute in such case made and provided; therefore,

Be it ordered, That the above described territory, be and the same is hereby duly organized into a township to be known and designated by the name of Kochville, which said township is described as being within the limits and under the jurisdiction of the county of Saginaw and State of Michigan; and

Be it further ordered, That the first annual meeting for the election of township officers in said township, be held at the house of Adam Gaetz, in said township of Kochville, on the first Monday in April, A. D. 1856, and that the following named persons, to wit: G. Stengel, J. P. Weggel, J. L. Hebert, being three electors of said township, be and they are hereby designated and appointed to preside at such election, and to perform all the duties required by the statute in such case made and provided; and

It is further ordered, That sections 13, 14 and 15, and that portion of section 16 lying east of the Saginaw river, in township 13 north, of range 5 east, be detached from the township of Hampton and attached to the township of Zilwaukie, and that the place for holding the next annual township meeting in the township of Hampton, be at the warehouse of J. B. Hart, in said township of Hampton; and that the place of holding the next annual township meeting in the township of Zilwaukie, be at the house now used as a school house in the village of Zilwaukie.

MORGAN L. GAGE,
Chairman of the Board.

HIRAM T. FERRIS,
Clerk.

State of Michigan, County of Saginaw, ss.:

I, Hiram T. Ferris, clerk of said county of Saginaw, do hereby certify that the foregoing is a true copy of an order made by the board of supervisors for said county, at a session of said board on the 12th day of October, instant, as appears from the record of the proceedings of said board.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county, at
Saginaw city, this 15th day of October, A. D. 1855.

HIRAM T. FERRIS,
Clerk.

Whereas, The application of thirteen freeholders, residents of the following unorganized territory, to wit: township fourteen north, of range three east, has been duly made to organize said territory into a township, and a map thereof having been furnished the board of supervisors for the county of Saginaw, and

Whereas, Notice in writing of said application subscribed by not less than twelve of said freeholders, has been duly published and posted, according to the statute in such case made and provided; therefore it is

Ordered, That the above described territory be and the same is hereby duly organized into a township, to be known and designated by the named of Williams, which said township is described as being within the limits and under the jurisdiction of the county of Saginaw in the State of Michigan; and

Be it further ordered, That the first annual meeting for the election of township officers in said township be held at the house of William A. Spafford in said township of Williams on the first Monday in April next, and that the following named persons, to wit: William A. Spafford, Simon Wilbur, and Amos Colver, being three electors of said township, be and they are hereby designated and appointed to preside at such election, and to perform all the duties required by the statute in such case made and provided.

MORGAN L. GAGE,

Chairman of the Board.

HIRAM T. FERRIS,

Clerk.

State of Michigan, county of Saginaw, ss.:

I, Hiram T. Ferris, clerk of said county of Saginaw, do hereby certify that the foregoing is a true copy of an order made by the board of supervisors for said county, at a session of said board on the tenth day of October inst., as appears from the record of proceedings of said board.

In testimony whereof I have hereunto set my hand and

[L. S.] affixed the seal of the circuit court for said county, at Saginaw city, this 15th day of October, A. D. 1855.

HIRAM T. FERRIS,

Clerk.

Resolved by the Board of Supervisors of Saginaw county, That the territory known as township number eleven (11) north of range number two (2) west in Saginaw county be and the same is hereby set off from the township of Tittibawassee, and organized into a township to be known as Emerson, and that the first township meeting for the election of township officers shall be held at the house of Erastus Hunt in said township, on the twenty-fourth day of October, A. D. 1855, and that Isaiah Allen, Melancthon Pettit and Israel Preston, three qualified electors of said township, be and they are hereby designated as inspectors of such election.

MORGAN L. GAGE,

Chairman of Board.

HIRAM T. FERRIS,

Clerk.

State of Michigan, county of Saginaw, ss.:

I, Hiram T. Ferris, clerk of said county of Saginaw, do hereby certify that the foregoing is a true copy of a resolution passed by the board of supervisors for said county, at a session of said board, on the ninth day of October inst., as appears from the record of the proceedings of said board.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county, at
Saginaw city, this 15th day of October, A. D. 1855.

HIRAM T. FERRIS,

Clerk.

—

Whereas, The application of twenty-four freeholders, residents of the following unorganized territory, to wit, township number twelve (12) north, of range number three (3) east; township number twelve (12) north, of range number two (2) east, and township number twelve (12) north, of range number one (1) east, has been duly made to organize said territory into a new township, and a map thereof having been furnished the board of supervisors for the county of Saginaw; and

Whereas, A notice in writing of such application, subscribed by not less than twelve of said freeholders, has been duly published and posted according to the statute in such case made and provided; therefore,

Be it ordered, That the above described territory be and the same is hereby duly organized into a township to be known and designated by the name of Thomastown; which said township is described as being within the limits and under the jurisdiction of the county of Saginaw, in the State of Michigan; and

Be it further ordered, That the first annual meeting for the election of township officers in said township be held at the school house in school district number three (3), in said township of Thomastown, on the first Monday in April next; and that the following named persons, to wit, Octavus Thompson, Robert Ure, and Samuel Shattuck, being three electors of said township, be and they are hereby designated and appointed to preside at such election, and to perform all the duties required by the statute in such case made and provided.

MORGAN L. GAGE,

Chairman of the Board.

HIRAM T. FERRIS,

Clerk.

State of Michigan, county of Saginaw, ss.:

I, Hiram T. Ferris, clerk of said county of Saginaw, do hereby certify that the foregoing is a true copy of an order made by the board of supervisors for said county, at a session of said board on the eleventh day of October, A. D. 1855, as appears from the record of the proceedings of said board.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county, at
Saginaw City, this 30th day of January. A. D. 1856.

HIRAM T. FERRIS,

Clerk.

Whereas, The application of fourteen freeholders, residents of the following unorganized territory, to wit, township number nine (9) north, of range number two (2) east, and township number nine (9) north, of range number one (1) east, has been duly made to organize said territory into a new township, and a map thereof having been furnished the board of supervisors of Saginaw county; and

Whereas, A notice in writing of such application, subscribed by not

less than twelve of said freeholders, has been duly published and posted according to the statute in such case made and provided; therefore,

Be it ordered, That the above described territory be and the same is hereby duly organized into a township to be known and designated by the name of Brady; which said township is described as being within the limits and under the jurisdiction of the county of Saginaw and State of Michigan; and

Be it further ordered, That the first annual meeting for the election of township officers in said township be held at the house of J. F. Coy, in said township of Brady, on the first Monday in April next; and that the following named persons, to wit, Daniel Burrows, Richard Walsh, and Josiah F. Coy, being three electors of said township, be and they are hereby designated and appointed to preside at such election, and to perform all the duties required by the statute in such case made and provided.

MORGAN L. GAGE,

Chairman of the Board

HIRAM T. FERRIS,

Clerk.

State of Michigan, county of Saginaw, ss.:

I, Hiram T. Ferris, clerk of said county of Saginaw, do hereby certify that the foregoing is a true copy of an order made by the board of supervisors for said county, at a session of said board on the tenth day of January instant, as appears from the record of the proceedings of said board.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county, at
Saginaw City, this 30th day of January, A. D. 1856.

HIRAM T. FERRIS,

Clerk.

At a session of the board of supervisors for the county of Saginaw, held at the office of the clerk of said county, on the first day of January, A. D. 1857, the following action was had by said board in relation to the organization of a new township, to be known as Maple Grove, to wit:

Whereas, Application has been made to the board of supervisors of the county of Saginaw, by petition, which said petition is signed by more than twelve freeholders of the unorganized territory of township number nine north, of range four east, under the jurisdiction of the township of Chessening, in the county of Saginaw in the State of Michigan, and within the legal boundaries of said county of Saginaw, to organize the said territory into a township to be known and designated by the name of Maple Grove; and

Whereas, A map and survey of said territory has been furnished to said board, and it having been made to appear by affidavit, to said board, that notice in writing, signed by more than twelve freeholders of the said unorganized territory, has been posted in five of the most public places in the said unorganized territory for four weeks next previous to said application, and that a copy of said notice has been published once in each week for four successive weeks immediately preceding this meeting of this board, in the Spirit of the Times, a newspaper published in said county of Saginaw; therefore,

Resolved, That the unorganized territory above mentioned, be and the same is hereby organized into a township to be known and designated by the name of Maple Grove; and it is further

Resolved, That the first township meeting in said organized territory be held on the first Monday of April, A. D. 1857, and that the same be held at the house of John W. Peltz, in said township, and that Branson Turner, —Bull and J. W. Peltz, electors of said township, shall preside at said meeting and exercise the same powers as the inspectors of election at any township meeting.

Vote on the foregoing resolution unanimously in the affirmative.

J. W. TURNER,

Chairman of the Board.

HEMAN B. FERRIS,

Deputy Clerk.

State of Michigan, County of Saginaw, ss.:

I, Heman B. Ferris, deputy clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution of said board, with the record thereof in my office as clerk of said board, and that said copy is a true copy. And I further certify that the foregoing resolution of said

board was passed by them at their meeting held at Saginaw City, in said county, on the first day of January, 1857, as appears by their record.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
26th day of January, A. D. 1857.

HEMAN B. FERRIS,
Deputy County Clerk.

ST. JOSEPH COUNTY.

At the annual meeting of the board of supervisors for the county of St. Joseph, and State of Michigan, held at the court house in the village of Centreville in said county, October 13th, 1856, the following action was had, to wit:

A petition (and map) was presented to the board, signed by more than twelve freeholders of the townships of Lockport and Nottawa respectively, praying that one entire tier of sections be set off on the east side of Lockport township, and annex the same to the township of Nottawa, so as to extend the western boundary of Nottawa township one mile into the township of Lockport, through its entire length north and south, by adding on to said Nottawa township the entire east tier of sections in the present township of Lockport; and on motion the petition was received and laid on the table.

On the fourth day of said session the following was had, to wit: The petition presented by sundry citizens praying for an alteration in the township of Lockport, being called up and debated by the board, and the yeas and nays being taken on a motion to pass the same, resulted as follows:

Yeas—Voorhies, Warren, Bishop—3.

Nays—Dunkin, Osbon, Schoonmaker, Baum, Harrison, Depuey, Kirby, Wetherbee, Driggs, Gray—10.

Which motion was lost, and the prayer of the petitioners rejected.

And on the fifth day of the session the following was had:

On motion, it was

Ordered, That the vote rejecting the petition for an alteration in the township of Lockport be reconsidered; and, on motion, the following amendment was offered to the original petition:

Be it resolved by the Board of Supervisors of the county of St. Joseph, and State of Michigan, That that part of the township of Lockport, in said county, known and described as the east half of sections number twenty-five and thirty-six, be and the same is hereby set off and attached to the township of Nottawa, pursuant to the acts of the legislature of the State of Michigan numbered one hundred and fifty-six, passed in 1851, and number fifty-nine, passed in 1855, provided that this resolution shall be in force and take effect from and after the tenth day of February, A. D. 1857.

Which amendment was accepted, and on motion to pass the same, the yeas and nays being taken, were as follows:

Yeas—15.

Nays—1.

Thereupon, it was

Ordered, That the amendment to the original petition be granted, and that the alteration above named be and the same is hereby made, to take effect on the tenth day of February, A. D. 1857.

COMFORT TYLER,

Chairman of the Board.

HIRAM LINDSLY,

Clerk.

State of Michigan, county of St. Joseph, ss.:

I, Hiram Lindsly, clerk of said county, do hereby certify that the foregoing is a true copy of the proceedings of the board of supervisors for said county in the matter above stated, at their annual meeting in October, A. D. 1856.

In witness whereof I have hereunto set my hand and affixed

[L. S.] the seal of the circuit court, at Centreville, in said county, this 9th day of January, A. D. 1857.

HIRAM LINDSLY,

County Clerk.

SANILAC COUNTY.

The Board of Supervisors of the county of Sanilac, State of Michigan, enact, That townships number fifteen and sixteen north, of ranges fourteen, fifteen and sixteen east (formerly belonging to the town-

ship of Huron), be and the same are hereby organized into a new township by the name of Sand Beach, in the county of Huron, (attached to said county of Sanilac for judicial and representative purposes,) and that the first township meeting for the election of township officers be held on the first Monday in April, 1856, at the house now occupied by James Bunting, in said township; and that James Bunting, George H. Storms, and O. C. Cutler, be and they are hereby appointed to preside at such township meeting, appoint a clerk, open the polls, and exercise all the duties of inspectors of election; and that James Bunting be and he is hereby appointed to post up the legal notices of the time and place of holding said township meeting.

And the said Board of Supervisors further enact, That townships fifteen, sixteen, seventeen, eighteen and nineteen north, of ranges ten, eleven, twelve and thirteen east, formerly belonging to the township of Huron, be and the same are hereby organized into a new township, to be called the township of Dwight, (in Huron county, attached to said county of Sanilac for judicial and representative purposes,) and that the first township meeting for the election of township officers in said township be held on the first Monday in April, 1856, at the house now occupied by John W. Kemble, in said township; and that John W. Kemble, Heman W. Dixon, and Jacob M. Groat, be and they are hereby appointed to preside at such township meeting, to appoint a clerk, open the polls, and exercise all the duties of inspectors of election; and that John W. Kemble be and he is hereby appointed to post up the legal notices of the time and place of holding such township meeting.

Dated at Lexington, this fifth day of February, A. D. 1856.

A. GOODRICH,

Chairman.

RANDAL WIXSON,

Clerk.

State of Michigan, county of Sanilac, ss.:

I, Randal Wixson, deputy county clerk of said county, do hereby certify that the foregoing is a true copy of the original act of organization of the above mentioned townships, with the diagrams annexed.

Dated at Lexington, this 6th day of February, 1856.

RANDAL WIXSON,

Deputy County Clerk.

AN ACT of the board of supervisors of the county of Sanilac, State of Michigan, organizing, by a series of resolutions, the townships of Washington, Bridgehampton, Marlett and Fremont, in said county.

At the annual meeting of the board of supervisors of the county of Sanilac, continued and held at the court house in the village of Lexington, in said county, on the fourteenth day of October, A. D. 1856: present, Israel Huckins, of Lexington, chairman; Alexander G. Galbraith, of Worth; James McLean, of Speaker; James L. McGrath, of Buel; James Erskine, of Sanilac; James Hunter, of Forester; Alanson Goodrich, of Austin; John Hopson, of Sand Beach; William D. Ludington, of Huron, and Samuel Louder, of Dwight, being a full board.

On motion of James Erskine,

Resolved, That, in accordance with the application of more than twelve freeholders of the township of Sanilac, the board do hereby organize a new township from a part of the territory now under the jurisdiction of said township of Sanilac, to consist of the following territory, viz.: township eleven north, of each of the following ranges, thirteen, fourteen and fifteen east, to be called the township of Washington, and that the first township meeting be held at the school house on section fourteen, township eleven north, of range fifteen east, in said new township, and that Joseph Lee, Henry Wixen and Patrick Nester, be and they are hereby appointed to preside at such township meeting.

On motion of James Hunter,

Resolved, That the board, upon the application of more than twelve freeholders of the township of Forester, do hereby organize the following territory, now under the jurisdiction of the said township of Forester, into a new township by the name of Bridgehampton, viz.: township twelve north, in each of the following ranges: twelve, thirteen, fourteen and fifteen east, and that the first township meeting be held at the house of Joseph Stevens, on section thirteen, township twelve north, of range fifteen east, in said new township, and that William Plimley, Joseph Stevens and Orange Baker, shall preside at such township meeting.

On motion of James L. McGrath,

On application of more than twelve freeholders of the townships of Buel and Sanilac, that the board do hereby organize a new township by the name of Marlett, comprising the following territory, viz.: the north half of township ten, and the entire of township eleven, both

north, of range twelve east, and that the first township meeting be held at the house of Hugh Dale, and that Benjamin Hopson, David Fleming and Hugh Dale, be and they are hereby appointed to preside at said township meeting.

On motion of Alexander G. Galbraith,

Resolved, That, on application of more than twelve freeholders of the township of Worth, the board do hereby organize a new township by the name of Fremont, from a part of the organized township of Worth, consisting of the following territory, viz.: township nine north, of range fifteen east, and that the first township meeting be held at the house of John Shell, and that John Sanders, William Grey and George Stevens, be and they are hereby appointed to preside at such township meeting, appoint a clerk and exercise all the powers of a board of inspectors of election, and that John Sanders be appointed to post up legal notices of the time and place of holding such township meeting.

We hereby certify that the foregoing resolutions were duly passed and entered on the minutes of the proceedings of the board of supervisors of the county of Sanilac, this fourteenth day of October, A. D. 1856.

ISRAEL HUCKINS,

Chairman.

RANDAL WIXSON,

Clerk of Board.

The Board of Supervisors of the county of Sanilac, Michigan, enact, That townships number nine north, of ranges thirteen and fourteen east, formerly included in the township of Worth, be and the same are hereby organized as a new township, to be known by the name of Speaker, in said county of Sanilac; and that the first township meeting for the election of township officers be held at the house now occupied by Ezekiel Beal, on the first Monday in April, 1856; and that Ezekiel Beal, Augustus Sisco, and James McLean, be and they are hereby appointed to preside at such township meeting, appoint a clerk, open the polls, and exercise all the duties of inspectors of election; and that

Esakiel Beal be and he is hereby appointed to post up the legal notices of the time and place of holding such township meeting.

Dated at Lexington, this 5th day of February, 1856.

A. GOODRICH,

Chairman.

RANDAL WIXSON,

Clerk.

State of Michigan, county of Sanilac, ss.:

I, Randal Wixson, deputy county clerk of said county, do hereby certify that the above is a true copy of the original act organizing the above named township, with the diagram annexed.

Dated at Lexington, February 5th, 1856.

RANDAL WIXSON,

Deputy County Clerk.

TUSCOLA COUNTY.

CLERK'S OFFICE TUSCOLA COUNTY, }
Vassar, February 18, 1856. }

At a meeting of the board of supervisors of Tuscola county, held at the clerk's office in said county, on the 31st day of December, A. D. 1855, the following resolution in relation to the organization of the town of Ellington was adopted by said board, to wit:

Whereas, Application having been made to the board of supervisors of the county of Tuscola, by petition of eighteen freeholders of the unorganized townships of thirteen and fourteen north, of ranges ten and eleven east, and by fifteen freeholders of the town of Almer, to organize said territory of townships thirteen and fourteen north, of range ten and eleven east, (now under the jurisdiction of the township of Almer), into a new township, a notice in writing subscribed by not less than twelve freeholders having been posted, according to the statute in such cases made and provided, therefore,

Resolved, That the above described territory be and the same is hereby duly organized into a township to be known and designated by the name of Ellington; and that the first township meeting for the election of township officers be held on the first Monday of April next, at the house of Simeon Botsford on section eight, in township thirteen north,

of range ten east, and that Simeon Botsford, William O. Beach and William R. Robinson are hereby appointed to preside at such election, and to perform all the duties required by statute in such case made and provided.

RESOLUTION relating to the organization of the town of Columbia.

Whereas, Application having been made to the board of supervisors of the county of Tuscola, by petition of fifteen freeholders of the unorganized territory of township fourteen north, of range nine east, and by twelve freeholders of the township of Almer, to organize said township fourteen north of range nine east, (now attached to the township of Almer,) into a new township, a notice in writing having been posted according to the statute in such case made and provided, therefore,

Resolved, That the above described territory be and the same is hereby duly organized to be known and designated by the name of Columbia, and that the first township meeting be held at the house of David Clark on section eighteen, in said township fourteen north of range nine east; and that Wesley Hess, Andrew Marshall and Horace Marvin are hereby appointed to preside at such meeting, and to perform all the duties required by the statute in such case made and provided.

RESOLUTION of the Board of Supervisors in relation to the organization of the town of Fair Grove.

Whereas, Application having been made to the board of supervisors of the county of Tuscola, by petition of seventeen freeholders of the unorganized territory of township thirteen north, of range eight east, (now under jurisdiction of the town of Rogers), and by twelve freeholders of the township of Rogers, to organize said township thirteen north of range eight east, into a new township, a notice in writing having been posted according to the statute in such case made and provided, therefore,

Resolved, That the above described township be and the same is hereby duly organized, to be known and designated by the name of Fair Grove, and that the first township meeting be held on the first Monday in April next, at the house of D. P. Hinson, on section twenty-nine in said township; and that D. P. Hinson, Robert McFarland and

R. E. Goodenough are hereby appointed to preside at such meeting, and to perform all the duties required by the statute in such case made and provided.

RESOLUTION of the Board of Supervisors in relation to the organization of the township of Akron.

Whereas, Application having been made to the board of supervisors of the county of Tuscola, by petition of twelve freeholders of the unorganized township of fourteen north of range eight east, (now under jurisdiction of the township of Rogers), also of twelve freeholders of the town of Rogers, to organize said township fourteen north of range eight east, into a new township, notices in writing having been posted according to the statute in such case made and provided, therefore,

Resolved, That the above described township be and the same is hereby duly organized into a new township, to be known and designated by the name of Akron, and that the first township meeting be held on the first Monday of April next, at the house of Alvin Waldo, on section twenty-six, in said township fourteen north, of range eight east, and that Charles H. Beach, Lucius H. Waldo and Edward Van Demark, are hereby appointed to preside at such election, and to perform all the duties required by the statute in such case made and provided.

State of Michigan, county of Tuscola, ss.:

I hereby certify that the foregoing is a true statement of the action of the board of supervisors of said county, in relation to the organization of the townships of Ellington, Columbia, Fair Grove and Akron, at a meeting of the board held at my office, December 31, A. D. 1856.

In testimony whereof, I have hereunto set my hand and
[L. S.] seal of office, this 18th day of February, 1856.

JOHN JOHNSON,

Clerk.

At a meeting of the board of supervisors of the county of Tuscola, held at the clerk's office in Vassar, on the sixth day of January, A. D. 1857, the following resolutions, relating to the organization of the town-

ships of Fremont, Dayton, and Watertown, were passed unanimously, viz.:

Whereas, Application having been made to the board of supervisors of the county of Tuscola, by petition of fifteen freeholders of the unorganized territory of townships eleven north, of ranges ten and eleven east, which petition was also signed by twelve freeholders of the township of Vassar, to organize said townships of eleven north, of ranges ten and eleven east, (now under the jurisdiction of the township of Vassar,) into a new township, a notice in writing having been posted according to the statute in such case made and provided; therefore,

Resolved, That the above described territory be and the same is hereby duly organized, to be known and designated by the name of Dayton, and that the first township meeting be held on the first Monday of April, 1857, at the house of G. W. Spencer, on section thirty-three, in township eleven north, of range ten east; and that James Weaver, G. W. Spencer, and William Mead, constitute the board of inspectors of election at such township meeting.

Whereas, Application having been made to the board of supervisors of the county of Tuscola, by petition of at least twelve freeholders of the unorganized territory of town eleven north, of range nine east, and also by twelve freeholders of the township of Vassar, to organize said township eleven north, of range nine east, (now under jurisdiction of the township of Vassar,) into a new township, a notice having been posted in accordance with the statute in such case made and provided; therefore,

Resolved, That the above described territory, viz., township eleven north, of range nine east, be and the same is hereby duly organized, to be known and designated by the name of Fremont, and that the first township meeting be held on the first Monday of April, 1857, at the house of James Wells, on section twenty-six, in said township; and that David Fulton, Ezra Tripp, and Reuben Smith, constitute the board of inspectors of election of such township meeting.

Whereas, Application having been made to the board of supervisors, by petition of at least twelve freeholders of the unorganized terri-

tory of township ten north, of range nine east, which petition was also signed by twelve freeholders of the township of Millington, to organize said township ten north, of range nine east, (now under the jurisdiction of the township of Millington,) into a new and separate township, a notice having been posted in accordance with the statute in such case made and provided; therefore,

Resolved, That the above described territory be and the same is hereby duly organized into a new and separate township, to be known and designated by the name of Watertown, and that the first township meeting be held on the first Monday of April, 1857, at the house of Jethro Johnson, in said township, and that Andrew Fitzgerald, Nathaniel M. Berry, and Curtis Coffeen, constitute the board of inspectors of election of such township meeting.

T. NORTH,

Chairman.

JOHN JOHNSON,

Clerk of Board.

State of Michigan, county of Tuscola, ss.:

I hereby certify that the foregoing is a true copy of the resolution relating to the organization of the townships of Dayton, Fremont and Watertown, passed by the board of supervisors of Tuscola county, at the meeting of said board on the sixth day of January, A. D. 1857.

Given under my hand and seal of office, at Vassar, this

[L. S.] 20th day of January, A. D. 1857.

JOHN JOHNSON,

Clerk.

VAN BUREN COUNTY.

At a session of the board of supervisors for the county of Van Buren, held at the office of the clerk of said county, on the 8th day of October, 1855, in pursuance to lawful application, the following action was had by said board in relation to the organization of a new township, to be known, as Deerfield, to wit:

Resolved, By the board of supervisors now in session, that town number two (2) south, of range number seventeen (17) west, situated at present in and belonging to the township of South Haven, in the

ships of Fremont, Dayton, and Watertown, were passed unanimously, viz.:

Whereas, Application having been made to the board of supervisors of the county of Tuscola, by petition of fifteen freeholders of the unorganized territory of townships eleven north, of ranges ten and eleven east, which petition was also signed by twelve freeholders of the township of Vassar, to organize said townships of eleven north, of ranges ten and eleven east, (now under the jurisdiction of the township of Vassar,) into a new township, a notice in writing having been posted according to the statute in such case made and provided; therefore,

Resolved, That the above described territory be and the same is hereby duly organized, to be known and designated by the name of Dayton, and that the first township meeting be held on the first Monday of April, 1857, at the house of G. W. Spencer, on section thirty-three, in township eleven north, of range ten east; and that James Weaver, G. W. Spencer, and William Mead, constitute the board of inspectors of election at such township meeting.

Whereas, Application having been made to the board of supervisors of the county of Tuscola, by petition of at least twelve freeholders of the unorganized territory of town eleven north, of range nine east, and also by twelve freeholders of the township of Vassar, to organize said township eleven north, of range nine east, (now under jurisdiction of the township of Vassar,) into a new township, a notice having been posted in accordance with the statute in such case made and provided; therefore,

Resolved, That the above described territory, viz., township eleven north, of range nine east, be and the same is hereby duly organized, to be known and designated by the name of Fremont, and that the first township meeting be held on the first Monday of April, 1857, at the house of James Wells, on section twenty-six, in said township; and that David Fulton, Ezra Tripp, and Reuben Smith, constitute the board of inspectors of election of such township meeting.

Whereas, Application having been made to the board of supervisors, by petition of at least twelve freeholders of the unorganized terri-

A N N U A L R E P O R T
OF THE
STATE TREASURER FOR 1855.

STATE TREASURER'S OFFICE, }
Lansing, Dec. 31st, 1855. }

To his Excellency, KINSLEY S. BINGHAM, Governor of the State of Michigan:

In obedience to the requirements of law, I have the honor to submit to you my Annual Report, together with an exhibit of the condition of the several trust funds, and the ledger balances, for the fiscal year ending November 30th, 1855.

The balance in the Treasury on that date, was five hundred and sixteen thousand, six hundred and twenty-three dollars and thirteen cents, (\$516,623 13.)

The demands upon the Treasury for appropriations made for the Asylum, House of Correction for Juvenile Offenders, Agricultural Farm, and State Prison, at the last session of the Legislature, together with the current disbursements, and the interest upon the public debt, have been promptly met.

The last Legislature passed an act, approved Feb. 12th, 1855, requiring the holders of that class of bonds known as the "*part paid or unrecognized five million loan bonds*," to surrender the same for adjustment within six months from the passage of said act; and in case of failure to present such bonds within the time prescribed, interest thereon was to cease.

Agreeably to the provisions of said act, I advertised for the surrender of this class of bonds, according to their regular numbers. I have the pleasure of announcing that, under that call, there have been surren-

dered bonds of this class to the amount of *two million three hundred and nineteen thousand dollars*, (\$2,319,000,) which have been adjusted in accordance with the law of 1848 and the Constitution. The rate at which these bonds are now adjusted, with the interest thereon, is *five hundred and eighty-five dollars and fifty-one cents* (\$585 51) for each thousand dollars. Of these bonds, there are now outstanding but three hundred and sixty-four thousand dollars, (\$364,000), and as interest on them has ceased, it may be confidently expected that they will be surrendered before the expiration of the present fiscal year.

The surrender and final liquidation of these bonds is an event of no ordinary interest to the people of this State, as much of the financial embarrassment, and heavy taxation under which they have labored for years past, can be traced to the unfortunate "*five million loan*," for the payment of which these bonds were given, and the improvident manner in which its avails were expended, causing for a time bankruptcy to the State government. Emerging as the State now is from these difficulties and embarrassments, I trust it will not be considered improper for me to allude to this subject in this report, for surely the tax payers have a deep interest in this matter, and cannot fail to look upon the surrender and adjustment of these bonds, as an important era in the financial history of Michigan.

I have paid the following amounts on the several classes of bonds herein specified, during the past fiscal year:

General Fund Bonds,	\$21,000 00
Internal Improvement Bonds,	13,140 00
Adjusted Bonds,	24,394 84
	<hr/>
	\$58,534 84

The present indebtedness of the State is as follows:

General Fund Bonds due May 1st, 1856,	\$	79,000 00
Pontiac Railroad " July 1st, 1858,		97,000 00
University " " "		99,000 00
Penitentiary " Jan. 1st, 1859,		20,000 00
" " " 1860,		40,000 00
Full paid 5 million loan, due " 1863,		177,000 00
Adjusted " " 1863,		1,655,285 00
Internal Improvement bonds, due on demand,		4,950 00

APPENDIX.

555

Unrecognized, (part paid) now outstanding, \$364,000,	
value of which January 1st, 1856, -----	213,128 55
These fall due January 1st, 1863.	
Internal Improvement Warrants, -----	4,645 18
	<hr/> \$2,389,958 73

The bonds falling due in May next, will be paid at maturity or on presentation.

The interest on the public debt, as now adjusted, will amount to one hundred and forty-three thousand three hundred and ninety-seven dollars and forty-eight cents, (\$143,397 48) payable semi-annually in the city of New York.

The public funds in the several depositaries are amply secured; the rate of interest on the State deposits was changed by an act of the last Legislature from one to five per cent.; the latter amount has been paid by the several depositaries, since May 12th, when the new law took effect. The amount received from this source during the present fiscal year, amounts to the sum of twenty-nine thousand, nine hundred and twenty-eight dollars and forty-three cents, (\$29,928 43.)

With the means arising from interest on the public funds, from the specific taxes upon Railroads, Mining and Manufacturing Companies, from the proceeds of the Primary School, Swamp and other lands, the State may safely rely upon a fund sufficient to meet promptly the interest and the principal on the State debt at maturity, and at the same time find herself possessed with ample resources to carry out the liberal plans already laid, for promoting and fostering popular education, and completing and putting in successful operation our several State institutions.

Previous to the commencement of my term of office, the Government Stock Bank of Ann Arbor failed to redeem its circulating notes. Soon after its suspension an application was made, by the Metropolitan Bank of New York, to my predecessor, for the redemption of \$38,695 of the notes of the first named Bank. He delivered to them the U. S. stock security in his possession to the amount of \$35,000, which with the premium of 9 per cent. amounted to \$38,695, being the amount of the notes thus surrendered, and leaving in the Treasury only \$37,500 to redeem the outstanding circulation.

At the time of entering upon my official duties, I was convinced

from the various rumors in circulation, and from the report of my predecessor, that there was a large over-issue of the notes of this Bank. I found the Bank Journal and Ledger in the Treasury department, had been so loosely and imperfectly kept as to afford no reliable information. After a careful examination of the accounts of this Bank, as exhibited by these books, the circulation appeared to be less than \$27,000.

Being thus unable to arrive at the correct amount of circulation on which to base a dividend, I determined, after consulting with the Attorney General, to advertise for a surrender of the bills or circulating notes, limiting the time therefor to the 28th of April last. The amount surrendered to that date was \$95,420 25. The avails of the stock security sold by my predecessor were \$39,060, which left a deficit of \$56,360 25. The dividend declared on the circulation surrendered was forty per cent. This exhausted all the funds arising from the sale of the stock securities before mentioned, except a small amount reserved to defray the expenses of a suit now pending against Mr. E. Belknap, of New York, as an alleged stockholder in said Bank. Should this suit terminate favorably, which is by no means certain, the holders of certificates of surrendered notes may expect a further dividend.

From the frequent applications still made at the Treasury for the further reception of these notes, I am led to believe that there must be yet outstanding several thousand dollars of the bills of this Bank, showing that the above mentioned deficit of \$56,360 25, does not by any means cover the illegal over-issue of the circulating notes of the Government Stock Bank of Ann Arbor.

For further information as to the probable origin or authorship of the gross fraud connected with this over-issue, I refer you to the correspondence between myself and the Attorney General, which is herewith submitted.

STATE TREASURER'S OFFICE, }
Lansing, Dec. 12, 1855. }

HON. J. M. HOWARD, *Attorney General*:

DEAR SIR,—As your official duty as Attorney for the State has led you to inquiries into, and to investigate the cause or causes of the over-issue of the Government Stock Bank of Ann Arbor, and as the Executive is desirous of possessing all the information I can furnish him respecting it, I will thank you to state to me the result of your investiga-

tion, so as to be enabled to lay the same before him in my annual report.

I have the honor to remain,

Your obedient servant,

S. M. HOLMES,

State Treasurer.

ATTORNEY GENERAL'S OFFICE, }
December 15, 1855. }

HON. S. M. HOLMES, *State Treasurer:*

DEAR SIR,—I hasten to reply to your communication of the 12th instant, asking for any information in my possession respecting the Government Stock Bank of Ann Arbor.

Between the amount of the avails of the government stock sold by the late Treasurer for the redemption of the bills of that bank, and its ascertained circulation, the difference is so great, (being, as I am informed, \$56,360 25.) that you have, as it seems to me, a right to be put in possession of every fact which may tend to show how this difference happened, or might have happened. That the public have also an interest in the solution of the question how this stupenduous fraud has occurred, will not, I presume, be denied.

An excess of circulation beyond the amount of stocks deposited in the hands of the State Treasurer, is by the charter of the bank, a legal impossibility; for the charter requires the bank to deposit with the State Treasurer, stocks of the United States at a rate not above their par value, for all circulating bills it might issue. This was the security upon which the bill holder relied, and had a right to rely. How this excess actually happened, I have not been able to discover.

The secret still remains in the breast of the person or persons who occasioned it. That it is a direct and gross fraud upon the bill holders, is of course plain to every one.

There appear to be but four hypotheses upon which to account for the excess:

1. That it was produced by extensive *forgeries* of the bills of the bank; i. e., the counterfeiting of the signature of its President, as well as the State Treasurer, (or his deputy,) who was required to countersign each bill.

2. That the State Treasurer countersigned and delivered to the

bank, bills over and above the amount of government stocks in his possession.

3. That the late Treasurer parted with the government stocks deposited with him, and did not return the same or their equivalent to the State Treasury.

4. That the redeemed bills of the bank were surreptitiously re-issued by somebody who had access to them at the State Treasury.

Pardon me for saying a word upon each of these theories.

1. As to the supposition of forgery. Among the whole amount of these bills returned to the treasury since the notice published by you calling them in, only two bills, each for five dollars, have been condemned as counterfeit.

Mr. J. C. Bailey, the late deputy treasurer, by whom they purported to be countersigned, alleged, as I am informed, that his signature thereto was forged. In May last I visited the city of New-York, and presented one of these bills to the engraver who made the plate. He assured me that the impression was genuine. I then showed the same bill to a Mr. F. S. Johnson, who informed me that he, Johnson, signed the name of E. R. Tremain, the president of the bank, to this bill, under a power of attorney from Mr. Tremain; that Mr. Bailey's counter-signature thereto was genuine; that he (J.) had signed for Mr. Tremain under said power of attorney about \$300,000 of the bills of the bank, but that he never signed one that did not come to him in a package of sheets under Mr. Bailey's private seal, each bill bearing the counter-signature of Mr. Bailey as deputy treasurer.

The bill I exhibited to Mr. Johnson was pronounced by several other persons, acquainted with Mr. Bailey's handwriting, to be genuine. The other bill alleged to be counterfeit could not be distinguished from this. I am satisfied that both are genuine.

2. As to the hypothesis that the State Treasurer or his Deputy countersigned and delivered to the bank a greater amount of bills than he had of government stocks on hand to redeem them:

The evidence against this supposition is found in Mr. Whittemore's deposition, taken on oath before the special committee of the Senate on the 18th of January last, in which he says: "Whenever I countersigned any notes, the government stocks were in the State treasury for every dollar countersigned, and there were never issued any notes to my

knowledge or belief for which I had not on hand dollar for dollar to represent and secure them, except on the occasion when I issued bills upon the demand of the bank and the written opinion of the Attorney General [at] nine per cent. premium upon the stock securities, which at the time was the market value in New York city; and also with the following exception." Mr. W. then states that he countersigned for the bank \$7,000, to supply the place of the same amount of bills alleged to have belonged to the Metropolitan bank, and to have been lost in the wreck of the steamer Atlantic on Lake Erie, on the 20th of August, 1852.

Mr. Bailey swore before the same committee that "he had no reason to believe that there was an over-issue of the bills of the Government Stock Bank," and that "Mr. Belknap [the sole stockholder of the bank] never asked him for any circulating notes for which he had not given proper security." If this testimony of the late Treasurer, and Mr. Bailey his deputy, be true, the second theory would seem to be untenable.

3. As to the hypothesis that the Treasurer parted with the government stocks without restoring them or their equivalent to the Treasury:

I have been unable to discover any proof of this. Mr. Whittemore, who was State Treasurer during the period the bank was in operation, on his oath denied the fact. Mr. Bailey, his deputy, also states on his oath that "during most of the year 1852, and during a part of 1851, some of the stocks deposited by the bank, and some of the time all of them, were out of the State Treasurer's office, taken out by Mr. Whittemore, Treasurer, and deposited a greater part of the time with the Phoenix Bank of New York City, where they were exchanged with Edward Belknap for mutilated bills of the Government Stock Bank; and that during the Fall of 1852 said stocks were all returned to the State Treasurer's office, except what were so exchanged, and that after that time all such exchanges were made at the office and not at any other place."

If these statements be correct, there seems to be no ground for the supposition that the deficit was occasioned by the appropriation of the stocks to any purpose but the redemption of the circulation.

If any of them were perverted to any other object, it is probable that as they belonged to Mr. Belknap he would know the fact. Yet it

is proper to say, without expressing any opinion touching his conduct in any other respect in connection with the bank, that he has denied upon oath "that any of the stocks were ever received by him, directly or indirectly, or by any other person for him, from Mr. Whittemore or Mr. Bailey, except upon the surrender of an equal amount of bills countersigned and issued upon them according to law, or in exchange for such other stocks as were authorized by the charter."

I will here add a word relative to the "*Bockus Checks*," found by the Receiver in the possession of the bank in January last. The amount of these paid checks was, as he informed me, \$945.

Mr. Tremain, the late President of the Bank, informs me that this Mr. J. Bockus deposited \$1,000 in the bank, and had, at the time of its failure, drawn out on those checks that amount, less \$55.

4. As to the bills of the bank, once redeemed by it, being *re-issued* at the treasury office:

As to this mode of accounting for the deficit, I shall simply and briefly state the material facts that have come to my knowledge, not deeming it requisite, perhaps not even proper, at the present time, to intimate any opinion. The facts, then, are these:

Mr. Whittemore swears that it was the practice of the bank to send its retired (redeemed) notes to his office, on the delivery whereof he issued to it new bills to an equal amount, counting them only by the "*straps*;" or that he surrendered stocks to the same amount:—That these retired bills were kept on hand for various periods of time and in divers amounts, in the Treasury vault, in trunks and boxes that were, as he presumes, *not locked*, and accessible whenever any person entered the vault; that from July, 1850, these old notes were principally burned under the supervision of Mr. Bailey, his deputy.

Mr. Bailey swears that he is of opinion that the mutilated (redeemed) bills of the bank, to an amount between \$200,000 and \$400,000, were returned to the Treasurer's office, and new bills issued in lieu thereof; that they were mostly burned in his presence; that they were kept in the Treasurer's vault, usually in a trunk or box, in packages as received, were sometimes kept on hand for *two or three months*. They were accessible to the clerks in the office and other persons who might happen to enter the vault, although no persons but clerks were permitted to enter, except in presence of the clerks; that when they were brought to the treasury he did not count them before delivering new

bills in their stead—always counted them afterwards, and if any error was discovered the Bank rectified it.

I have myself conversed with three persons who acted as messengers of the Bank in carrying the retired bills from Ann Arbor to Lansing, who all concur in the statement that they went into the treasury vault, and saw there from time to time large masses of its bills, some in a trunk, some lying loosely in an old candle box, some on shelves and some in pigeon holes, accessible to any person entering; that they called Mr. Bailey's particular attention to the danger of leaving them in such a condition, but that he manifested indifference, and replied that it was no concern of his. Mr. Fleming, a president of the Bank in 1854, informs me that on hearing of these facts from a messenger he had sent with a quantity of retired bills, he immediately resigned his post.

Such is the information I have been able to obtain respecting the deficit.

If the facts stated under the 4th head seem to furnish the most natural and probable solution of the question how this deficit was occasioned, it seems equally probable that few persons (if more than one) could have possessed the secret. Had many participated in it, some would ere this have disclosed it. Let the guilty party, whoever he is, repose with it *if he can*.

I add in conclusion, what must be obvious to every one, that the officers of the bank were guilty of the grossest and most unaccountable neglect, not only of the interests of the bank, but of their own duty in not seeing to it that all the retired bills were destroyed in their presence, or in the presence and under the immediate personal observation of agents by them duly appointed, as well as the Treasurer and his clerks.

I have the honor to be, &c.,

J. M. HOWARD,

Attorney General.

I also submit the reports of the several Banks whose corporate rights are acknowledged, showing their condition on the 24th instant. The circulating notes of the several Stock Banks are well and amply secured by the deposit of Michigan State Bonds.

All of which is respectfully submitted,

S. M. HOLMES,

State Treasurer.

Treasurer of the State of Michigan, in account with the State of Michigan.

DEBIT.

1855.

Nov. 30.	To balance in Treasury, Nov. 30, 1854,.....	\$	553,004	08
"	" receipts on account of General Fund,		341,926	03
"	" " " " Internal Imp't. Fund,		61,303	72
"	" " " " Primary School "		62,228	45
"	" " " " University "		24,199	48
"	" " " " Pri. School Int. "		57,281	87
"	" " " " University Int. "		17,794	33
"	" " " " State Building "		3,628	47
"	" " " " Asylum "		5,393	35
"	" " " " Nor. Sch. Endow. "		3,814	51
"	" " " " " " Int. "		2,590	55
"	" " " " Swamp Land "		3,435	49
"	" " " " " " Int. "		4,600	68
Total,.....				<u>\$1,141,401 01</u>

CREDIT.

1855.

Nov. 30.	By am't paid out on acc't of General Fund,	\$	354,651	17
"	" " In't Imp't "		80,410	59
"	" " Pri. School "		758	67
"	" " " Int.		84,082	44
"	" " University "		36,912	09
"	" " Treasury Notes,		53	00
"	" " St. Build'g Fund,		517	54
"	" " Asylum "		59,214	53
"	" " N. Sch. End. "		67	56
"	" " " Int.		6,568	08
"	" " Swamp L. Fund,		190	67
"	" " S. M. Canal "		702	80
"	" " Swamp L. Int.		623	74
"	" " Deposit of O. & O. R. R.		45	00
"	By balance in the Treasury,.....		516,623	13
Total,.....				<u>\$1,141,401 01</u>

Ledger Balances November 30.

DEBIT.

1855.

Nov. 30. To cash,	\$516,628 18
“ Internal Improvement Fund,	350,760 53
“ St. Mary's Canal Fund,	1,774 72
Total,	<u>\$869,158 38</u>

CREDIT.

1855.

Nov. 30. By General Fund,	\$ 16,306 53
“ “ Primary School Fund,	555,994 82
“ “ University Fund,	129,088 73
“ “ Primary School Interest Fund,	32,307 56
“ “ University “ “	208 60
“ “ Contingent Fund,	392 35
“ “ M. C. R. R. deposit,	2,148 41
“ “ Treasury Notes,	731 00
“ “ State Building Fund,	10,869 44
“ “ Normal School Endowment Fund,	11,045 13
“ “ “ Interest “	3,850 11
“ “ M. S. R. R. deposit,	206 72
“ “ Swamp Land,	49,148 58
“ “ St. Joseph Valley R. R. deposit,	115 00
“ “ Swamp Land Interest,	6,939 01
“ “ Oakland & Ottawa R. R. deposit,	53 88
“ “ Asylum Fund,	49,750 51
Total,	<u>\$869,158 38</u>

GENERAL FUND.

DEBIT.

1855.

Nov. 30.	To warrants paid during fiscal year,.....	\$354,651 17
"	" amount transferred to University interest, ..	15,076 74
"	" " " Swamp Land int....	5,338 26
"	" " " Asylum Fund,.....	110,000 00
"	" " " Normal School int....	8,273 43
"	" " " Primary " " ..	36,525 26
"	" " " Internal Imp't Fund,	36,633 87
"	To balance Nov. 30, 1855.....	16,306 53
Total,.....		<u><u>\$583,105 26</u></u>

CREDIT.

Nov. 30.	By balance Nov. 30, 1854,.....	\$241,179 23
"	" receipts during fiscal year,.....	341,926 08
Total,.....		<u><u>\$583,105 26</u></u>

INTERNAL IMPROVEMENT FUND.

DEBIT.

1855.

Nov. 30.	To balance Nov. 30, 1854,.....	\$368,287 53
"	" warrants paid during fiscal year,.....	80,410 59
Total,.....		<u><u>\$448,698 12</u></u>

CREDIT.

Nov. 30.	By receipts during fiscal year,.....	\$ 61,303 72
"	" amount transferred from General Fund,...	36,633 87
"	" balance Nov. 30, 1855,.....	350,760 53
Total,.....		<u><u>\$448,698 12</u></u>

APPENDIX.

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PRIMARY SCHOOL FUND.

DEBIT.

1855.

Nov. 30. To warrants paid during fiscal year,.....	\$ 758 67
“ “ balance Nov. 30, 1855,.....	555,994 82
Total,.....	<u>\$556,753 49</u>

CREDIT.

Nov. 30. By balance Nov. 30, 1854,.....	\$494,525 04
“ “ receipts during fiscal year,.....	62,228 45
Total,.....	<u>\$556,753 49</u>

UNIVERSITY FUND.

DEBIT.

1855.

Nov. 30. To balance Nov. 30, 1855,.....	\$129,088 73
Total,.....	<u>\$129,088 73</u>

CREDIT.

Nov. 30. By balance Nov. 30, 1854,.....	\$104,889 25
“ “ receipts during fiscal year,.....	24,199 48
Total,.....	<u>\$129,088 73</u>

PRIMARY SCHOOL INTEREST FUND.

DEBIT.

1855.

Nov. 30. To warrants paid during fiscal year,.....	\$ 84,062 44
“ “ balance Nov. 30, 1855,.....	32,307 56
Total,.....	<u>\$116,370 00</u>

CREDIT.

Nov. 30	By balance Nov. 30, 1854,.....	\$22,262 87
"	receipts during fiscal year,.....	57,281 87
"	amount transferred from general fund,.....	36,825 26
Total,.....		<u>\$116,370 00</u>

UNIVERSITY INTEREST FUND.

DEBIT.

1855.

Nov. 30.	To warrants paid during the fiscal year,.....	\$36,912 09
"	balance Nov. 30, 1855,.....	208 60
Total,.....		<u>\$37,120 69</u>

CREDIT.

Nov. 30.	By balance Nov. 30, 1854,.....	\$ 4,249 62
"	receipts during fiscal year,.....	17,794 33
"	amount transferred from general fund,.....	15,076 74
Total,.....		<u>\$37,120 69</u>

STATE BUILDING FUND.

DEBIT.

1855.

Nov. 30.	To warrants paid during fiscal year,.....	\$ 517 54
"	balance Nov. 30, 1855,.....	10,869 44
Total,.....		<u>\$11,386 98</u>

CREDIT.

Nov. 30.	By balance Nov. 30, 1854,.....	\$ 7,558 51
"	receipts during fiscal year,.....	3,828 47
Total,.....		<u>\$11,386 98</u>

APPENDIX.
ASYLUM FUND.

567

DEBIT.

1855.

Nov. 30. To balance Nov. 30, 1854,	\$ 6,428 31
“ warrants paid during fiscal year,	58,214 53
“ balance Nov. 30, 1855,	49,750 51
Total,	<u>\$115,393 85</u>

CREDIT.

Nov. 30. By amount transferred from general fund,	\$110,000 00
“ receipts during fiscal year,	5,393 35
Total,	<u>\$115,393 35</u>

NORMAL SCHOOL ENDOWMENT FUND.

DEBIT.

1855.

Nov. 30. To warrants paid during fiscal year,	\$ 67 56
“ balance Nov. 30, 1855,	11,045 18
Total,	<u>\$11,112 60</u>

CREDIT.

Nov. 30. By balance Nov. 30, 1854,	\$ 7,298 18
“ receipts during fiscal year,	3,814 51
Total,	<u>\$11,112 69</u>

NORMAL SCHOOL ENDOWMENT INTEREST FUND.

DEBIT.

1855.

Nov. 30. To balance Nov. 30, 1854,	\$ 445 79
“ warrants paid during fiscal year,	6,568 08
“ balance Nov. 30, 1855,	3,850 11
Total,	<u>\$70,863 98</u>

CREDIT.

Nov. 30. By amount transferred from general fund,	\$8,273 43
" receipts during fiscal year,	2,590 55
Total,	<u>\$10,863 98</u>

SWAMP LAND FUND.

DEBIT.

1855.

Nov. 30. To warrants paid during fiscal year,	\$ 190 67
" balance Nov. 30, 1855,	49,148 58
Total,	<u>\$49,339 25</u>

CREDIT.

Nov. 30. By balance Nov. 30, 1854,	\$45,903 76
" receipts during the fiscal year,	3,435 49
Total,	<u>\$49,339 25</u>

SWAMP LAND INTEREST FUND.

DEBIT.

1855.

Nov. 30. To balance Nov. 30, 1854,	\$2,376 19
" warrants paid during fiscal year,	623 74
" balance Nov. 30, 1855,	6,939 01
Total,	<u>\$9,938 94</u>

CREDIT.

Nov. 30. By amount transferred from general fund,	\$5,338 26
" receipts for fiscal year,	4,600 68
Total,	<u>\$9,938 94</u>

APPENDIX.

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CONTINGENT FUND.

DEBIT.

1855.

Nov. 30. To balance Nov. 30, 1855,	\$392 35
Total,	<u>\$392 35</u>

CREDIT.

Nov. 30. By balance Nov. 30, 1854,	\$392 35
Total,	<u>\$392 35</u>

TREASURY NOTES.

DEBIT.

1855.

Nov. 30. To this amount of notes burned,	\$ 53 00
balance Nov. 30, 1855,	731 00
Total,	<u>\$784 00</u>

CREDIT.

Nov. 30. By balance Nov. 30, 1854,	\$784 00
Total,	<u>\$784 00</u>

MICHIGAN CENTRAL RAILROAD DEPOSITS.

DEBIT.

1855.

Nov. 30. To balance Nov. 30, 1854,	\$2,148 41
Total,	<u>\$2,148 41</u>

CREDIT.

Nov. 30. By balance Nov. 30, 1855,	\$2,148 41
Total,	<u>\$2,148 41</u>

MICHIGAN SOUTHERN RAILROAD DEPOSITS.

DEBIT.

1855.

Nov. 30. To balance Nov. 30, 1854,\$206 72

Total,\$206 72

CREDIT.

Nov. 30. By balance Nov. 30, 1855,\$206 72

Total,\$206 72

ST. JOSEPH VALLEY RAILROAD DEPOSITS.

DEBIT.

1855.

Nov. 30. To balance Nov. 30, 1854,\$115 00

Total,\$115 00

CREDIT.

Nov. 30. By balance Nov. 30, 1855,\$115 00

Total,\$115 00

OAKLAND & OTTAWA RAILROAD DEPOSITS.

DEBIT.

1855.

Nov. 30. To warrants paid,\$ 45 00

" " balance Nov. 30, 1855,55 88

Total,\$100 88

CREDIT.

Nov. 30. By balance Nov. 30, 1855,\$100 88

Total,\$100 88

BANK STATEMENTS.

Statement of the condition of the Peninsular Bank, Dec. 24th, 1855..

RESOURCES.

Due from banks and bankers,.....	\$107,470 56	
Bills in transit,.....	671 77	
	<hr/>	\$ 108,142 38.
Cash—Gold and silver,.....	\$55,014 86	
“ Notes of other banks,.....	32,509 00	
“ Cash items,.....	2,132 03	
	<hr/>	89,655 89.
Foreign bills of exchange,.....		307,404 26
Domestic bills,.....		293,539 63
Bonds and mortgages,.....		10,000 00
Due from others, not included in the above,.....		4,476 97
Michigan bonds and warrants,.....		20,672 50
State bonds deposited with State Treasurer,.....		230,683 71
Premiums on above bonds,.....		1,502 24
Expense account,.....		1,328 00
Personal property,.....		2,402 85.
Bank fixtures,.....		3,400 00.
Contingent account,.....		5,461 30
Banking house and lot,.....		15,783 72
		<hr/>
Total,.....		<u><u>\$1,108,453 44.</u></u>

LIABILITIES.

Due to depositors,.....	\$578,693 66	
“ other banks,.....	11,566 80	
Circulation,.....	\$239,633	
Less this amount on hand,.....	400	
	<hr/>	239,233 00
Profit and loss,.....	63,210 48	
Capital stock,.....	200,750 00	
Due from real estate on time,.....	10,000 00	
	<hr/>	
Total,.....		<u><u>\$1,103,453 44.</u></u>

Henry T. Stringham, assistant cashier of Peninsular Bank, being duly sworn, deposes and says that the above statement is a true exhibit of the funds and condition of the Peninsular Bank on the 24th inst., according to the best of his knowledge and belief.

H. T. STRINGHAM.

Subscribed and sworn to before me, }
December 26, 1855.

S. M. HOLMES,

State Treasurer.

*Statement of the condition of the Michigan Insurance Company of
Detroit, Dec. 24, 1855.*

LIABILITIES.

Capital stock,	\$200,010 00
Profits,	69,990 45
Circulation,	221,295 00
Due banks,	31,340 65
Deposits,	735,014 50
Total,	<u>\$1,257,650 60</u>

RESOURCES.

Gold and silver coin,	\$ 67,034 66	
Foreign bank notes,	47,779 00	
Office notes,	17,305 00	
Due from banks and bankers,	241,655 54	
	<u></u>	\$373,774 20 .
Michigan State stocks,	\$159,133 60	
Railroad bonds,	12,060 00	
Bank stocks,	8,650 00	
	<u></u>	179,843 60
Bills discounted,		676,650 71
Bonds and mortgages,		20,264 81
Real estate,		4,472 13
Office furniture,		2,645 65
Total,		<u>\$1,257,650 60</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

Henry K. Sanger, cashier of the Michigan Insurance Company, being duly sworn, says that the above statement is a true exhibit of the condition of the said Company, according to the best of his knowledge and belief.

H. K. SANGER,
Cashier.

Sworn and subscribed before me, }
this 26th day of Dec., 1855. }

S. M. HOLMES,
State Treasurer.

Statement showing the condition of the Funds of the Farmers' and Mechanics' Bank of Michigan, on the evening of the 24th day of December, 1855.

RESOURCES.

Cash, to wit:—Office notes,.....	\$3,892 00	
Coin,	\$10,894 05	
Foreign notes and checks,.....	13,697 71	
Cash items,	2,164 44	
Due from banks, bankers and agents,	23,426 42	
	<hr/>	\$54,074 62
Real estate,		98,606 41
Bonds and mortgages,		57,122 70
Land contracts,		9,828 81
Judgments,		14,411 88
Stocks,		19,983 52
Personal estate,		3,571 75
Suspended claims,		15,509 64
Bills discounted,		242,989 51
Bills in transit,		3,347 44
State stocks deposited with State Treasurer,		56,260 96
Due from sundry individuals,		80,829 83
		<hr/>
		<u>\$655,537 07</u>

LIABILITIES.

Loans on time,.....	\$ 117,800 00
Due stockholders for advances,.....	179,678 12
<i>Circulation</i> —Old emission,.....	\$6,406
New “ 	52,120
Branch,.....	841
	<hr/>
	59,867 00
Suspended debts,.....	416 86
Dividends unpaid,.....	295 00
Due banks,.....	10,079 32
Due depositors,.....	49,351 80
Profits,	11,357 10
Excess of resources,.....	227,191 87
	<hr/>
	<hr/>
	\$655,537 07
	<hr/>
	<hr/>

STATE OF MICHIGAN, }
 Wayne County, } ss.

H. W. Seymour, cashier, being duly sworn, deposeth and saith that the above statement exhibits the true condition of the Farmers' and Mechanics' Bank of Michigan, to the best of his knowledge and belief.

H. W. SEYMOUR,
Cashier.

Subscribed and sworn before me, }
 December 28, 1855. }

S. M. HOLMES,
State Treasurer.

APPENDIX.

575

*Condition of the Bank of Macomb County, Wednesday morning,
Dec. 26, 1855.*

RESOURCES.

Bills discounted,.....	\$175,733 72
Banks and Bankers,.....	29,969 17
Real estate, bank furniture, &c.,	5,625 00
Cash: Coin,.....	\$19,138 76
Bank notes,	3,280 00
Cash items,	2,137 12
	<hr/> 24,556 48
Total,.....	<hr/> <hr/> \$285,884 37

LIABILITIES.

Capital stock,	\$150,000 00
Notes in circulation,	75,268 00
Due banks,	440 39
Due depositors,	3,605 78
Profit and loss,.....	6,570 20
	<hr/>
Total,	<hr/> <hr/> \$285,884 37

James G. Tucker, being duly sworn, deposes and says that he is the Cashier of the Bank of Macomb County, and that the above statement is correct, to the best of his knowledge and belief.

J. G. TUCKER,

Cashier.

Sworn and subscribed to before me, }
this 26th day of Dec., A. D. 1855. }

ANDREW S. ROBERTSON,

Notary Public, Macomb Co., Mich.

ANNUAL REPORT

OF THE

STATE TREASURER FOR 1856.

STATE TREASURER'S OFFICE, }
Lansing, Nov. 29, 1856. }

To the Legislature of the State of Michigan:

In obedience to the requirements of law, the undersigned has the honor to submit the following, his annual report, showing the financial condition of the State, at the close of the present fiscal year, ending this day, Nov. 29, 1856. This report will contain tabular statements of the receipts and disbursements for the fiscal year of 1855 and 1856, and an estimate of the probable receipts and disbursements for the ensuing two fiscal years, which I trust will be found a matter of interest, and may serve in a measure as a guide to any legislation your honorable body may think proper to make on the finances of the State.

COMPARISON OF THE RECEIPTS AND DISBURSEMENTS FOR THE FISCAL YEARS OF 1855 AND 1856.

The amounts in the Treasury at the close of the fiscal year, ending Nov. 30, 1854, and on hand at the commencement of the fiscal year of 1855, were

Receipts during this period,	\$553,004 08
Total,	\$1,141,401 01
Disbursements for the same period,	624,777 88

Leaving on hand at the close of the fiscal year of 1855, and at the commencement of 1856,	\$516,623 18
Amount received during the present year,	511,271 70

Total,	\$1,027,894 88
Disbursements for the same period,	639,879 06

Leaving on hand at this date, Nov. 29, 1856,	\$388,015 77
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It will be perceived that the surplus fund has been reduced \$164,988 31 during this period; this has been caused by the payment of a large amount of State indebtedness, the increase of the payment of interest on the adjusted five million loan bonds, and by the payments of the appropriations made by the last Legislature.

There has been a decrease in the amount received into the treasury during the present fiscal year, as compared with the previous fiscal year, of the sum of \$77,125 23, while at the same time there has been an increase of the disbursements of the present year over the corresponding year of 1855 of \$15,101 18. This has arisen from a diminution of the sales of the State lands, and from the fact that during the year 1855, the United States Government paid into the State Treasury the sum of \$52,262 19 on account of the five per cent. due the State, on the gross amount of the sales of all the public land sold within its limits. This is only paid by the government at its pleasure, or when a sufficient amount has accumulated. Nothing has been received into the treasury during the present year from this source.

The amount paid into the treasury for interest on the surplus funds during the past two years is as follows:

For 1855,	\$29,928 43
For 1856,	21,699 34
Total,	<u>\$51,627 77</u>

It will be noticed that the amount for 1856 is somewhat less than that received for the corresponding year of 1855. This has been occasioned by the decrease of the average balances in the several public depositories, consequent upon disbursements, for the payment of the large appropriations made by the last Legislature, interest on debt, bonds, &c. The last Legislature passed an act requiring the holders of the part paid Five Million Loan bonds to surrender the same for adjustment, agreeably to the provisions of the act of 1848 and the constitution; most of these bonds have been surrendered, and have been adjusted at the rate of \$585 51 for each bond of one thousand dollars. There is outstanding of this class of bonds, when funded, \$124,392 55; as the interest on these bonds is stopped, the holders will doubtless soon deem it for their interest to surrender the same. It is a matter of much gratification to be able to state that this unfortunate loan has been finally

adjusted, and that the actual amount of the State indebtedness is now determined. In this adjustment no injustice has been done to the bond holders, as it is certain that they received them only as collateral security from the United States Bank of Philadelphia, for loans made to said Bank, with the full knowledge of the fact that the State had received but a part of the money upon them; and in the adjustment of these bonds the State has given the new bonds for the full amount received by her, including the interest thereon, which must at once be acknowledged to be just and equitable.

STATE DEBT.

The present indebtedness of the State is as follows:

University bonds, principal due 1st July, 1858,	\$99,000 00
Pontiac R. R. " " " 1st July, 1858,	97,000 00
Penitentiary " " " 1st January, 1859,	20,000 00
" " " " 1st January, 1850, ...	40,000 00
Full paid 5 million loan bonds, due 1st January, 1863,	177,000 00
Adjusted bonds, due 1st January, 1863,	1,708,285 00
The part paid \$5,000,000 loan bonds outstanding when funded will amount to	124,392 55
Outstanding internal improvement warrants,	4,158 85
Internal improvement warrant bonds, interest stopped and payable on demand,	5,150 00
Total,	<u><u>\$2,274,935 90</u></u>

I have paid and taken up the following class of bonds during the first term of my office:

BONDS PAID IN 1855.

General fund bonds,	\$21,000 00
Internal improvement bonds,	13,100 00
Adjusted bonds,	23,103 86
	<u>\$57,203 86</u>

BONDS PAID IN 1856.

General fund bonds,	\$79,000 00
Adjusted bonds,	3,636 93
	<u>82,636 93</u>
	<u><u>\$189,840 29</u></u>

The interest on the State indebtedness for the outstanding bonds, subject to the payment of interest, amounts to the sum of \$136,187 11 per annum, payable semi-annually in the city of New York.

The following table will show the amount of interest paid on State debt for two years:

	1855.	1856.
To holders of five million loan bonds,	\$10,980 00	\$10,620 00
“ “ “ Internal Imp’t warrant bonds,	220 18	-----
“ “ “ University,	5,970 00	5,940 00
“ “ “ Penitentiary,	3,600 00	3,570 00
“ “ “ Detroit & Pontiac R. R.,	5,370 00	5,310 00
“ “ “ General Fund,	6,830 37	4,290 00
“ “ “ Adjusted,	20,028 76	59,917 03
“ “ “ Delinquent tax,	-----	1 75
“ “ “ Internal Imp’t Warrants,	414 40	401 28
“ “ “ Treasury Notes,	44 30	-----
	<u>\$53,457 96</u>	<u>\$90,050 06</u>

Interest paid by State to trust funds:

Interest on primary school fund charged to general fund and credited to primary school interest,	\$36,825 26	\$40,550 99
Interest on University fund, credited to Uni- versity interest,	15,076 74	16,203 87
Interest on Normal School, credited to Nor- mal School interest,	573 43	767 81
	<u>\$52,475 43</u>	<u>\$57,522 67</u>
Total for two years,	<u>\$105,933 39</u>	<u>\$147,572 73</u>

It will be noticed by this table, that the amount of interest paid by the State to the above mentioned trust funds is quite large, the rate is 7 per cent., the amount of this interest is paid annually to the primary schools in the different counties, to the University, and to the Normal School. I have deemed it proper to be thus explicit in regard to these trust funds, as it is supposed by many that the State is not required to pay this interest annually. Such is not the fact, this interest is annually paid in cash, and is drawn from the general fund.

Estimate of Receipts for 1857 and 1858.

Cash on hand, Dec. 1, 1856,	\$388,015 77
Brokers' licenses,	368 00
Bank specific tax,	17,794 00
Railroad " "	230,000 00
Plank road specific tax	2,924 00
Mining companies,	17,198 00
Interest on surplus funds,	20,000 00
Pedlars' licenses,	1,080 00
Primary school interest,	124,620 00
University interest,	36,614 00
Normal school interest,	5,480 00
From the United States, being five per cent. on sales of government land,	30,000 00
State tax levied for 1856, and collected in the returns from county treasury in 1857,	65,000 00
Salt spring lands,	8,500 00
Total,	<u>\$947,548 77</u>

Estimate of Disbursements for 1857 and 1858.

Pontiac railroad bonds, due July, 1858,	\$97,000 00
University bonds, due July, 1858,	99,000 00
Penitentiary bonds, due January, 1859,	20,000 00
Internal improvement warrant bonds on demand,	5,150 00
" " warrants on demand,	4,158 35
Interest on State indebtedness,	272,992 30
Primary school interest,	21,100 00
University interest,	69,448 00
Normal school interest,	7,944 00
Board of State Auditors,	80,000 00
State prison expenses,	20,000 00
Salaries of public officers,	26,000 00
Extra clerks,	4,500 00
Expense of judiciary,	33,442 00
State Library,	924 00
Coroners' fees,	722 00

Exchange,	2,047 00
State prison building commissioner,	2,000 00
Mining companies paid back to counties where collected, one-half their specific taxes,	8,599 00
Wolf bounty,	1,768 00
Postage in public offices,	1,798 00
Expenses of Legislature of 1857,	25,000 00
Legislative printing, publishing laws and paper,	21,000 00
State agricultural school, balance of appropriation,	22,139 50
Total,	<u>\$1,026,782 15</u>

By the inspection of the foregoing table, showing the prospective claims upon the Treasury for the ensuing two years, it will be perceived that there is a deficiency of means to pay the estimated disbursements of \$79,188 38, showing that any further or extraordinary appropriations of money should be accompanied by legislation, providing ways and means to meet the same.

The amount paid to the several counties for the support of the Primary Schools for the last two years is as follows:

1855	\$83,241 08
1856	99,938 76

The steady and constant increase of the Primary School fund must be looked upon with pleasure by every citizen, as it affords increased facilities for maintaining this popular branch of education; we may look forward to a period not very remote, when this fund will aid in placing our Primary Schools on a stable and firm basis; this fund should therefore be watched with care, and no encroachments should be allowed to be made upon it for any purpose than originally designed.

I herewith submit the annual reports of the Michigan Insurance Bank, the Peninsular Bank, and the Farmers' & Mechanics' Bank, showing their condition at the date of their several reports.

The circulating notes of these Banks are secured by the deposit of the bonds of this State, according to the requirements of the several acts of their incorporation.

All of which is respectfully submitted.

S. M. HOLMES,
State Treasurer.

APPENDIX.

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Treasurer of the State of Michigan, in account with the State of Michigan.

DEBIT.

1856.

Nov. 29.	To balance in Treasury, Nov. 30, 1855,	\$516,623 13
"	" receipts on account of General Fund,	293,746 92
"	" " " " Internal Imp't Fund,	58,765 86
"	" " " " Primary School "	49,060 61
"	" " " " Pri. School Int. "	62,310 56
"	" " " " University "	8,171 13
"	" " " " " Int. "	18,307 42
"	" " " " State Building "	2,156 72
"	" " " " Asylum "	4,623 92
"	" " " " Nor. Sch. Endow. "	4,463 47
"	" " " " " Int. "	2,715 07
"	" " " " Swamp Land "	2,328 32
"	" " " " " Int. "	4,612 00
"	" " " " Oakland & O. R. R. Deposit,	2 70
Total,		<u>\$1,027,894 83</u>

CREDIT.

1856.

Nov. 29.	By amount paid on account of General Fund, ..	\$349,585 26
"	" " " " " In'l Imp't Fund,	93,624 87
"	" " " " " Pri. Sch. "	200 00
"	" " " " " " Int. "	100,550 60
"	" " " " " University "	131 00
"	" " " " " " Int. "	34,724 17
"	" " " " " M. C. R. R. "	92 00
"	" " " " " St. Building "	5,000 00
"	" " " " " Asylum "	44,192 13
"	" " " " " N. Sch. Int. "	11,367 74
"	" " " " " Swamp Land "	17 22
"	" " " " " " Int. "	344 17
"	" " " " " Deposit O. & O. R. R.	50 00
"	Balance in the Treasury Nov. 29, 1856,	388,015 77
Total,		<u>\$1,027,894 83</u>

Ledger Balances, Nov. 30.

DEBIT.

1856.

Nov. 29.	To cash,	\$388,015 77
"	"	General Fund,	182,432 91
"	"	Internal Improvement Fund,.....	309,772 51
"	"	University Interest "	4 28
"	"	St. Mary's Canal "	1,774 71
Total,			<u>\$882,000 19</u>

CREDIT.

1856.

Nov. 29.	By Primary School Fund,	\$604,855 43
"	"	" " Int. "	84,618 51
"	"	University "	187,128 86
"	"	State Building "	8,026 16
"	"	Asylum "	10,182 30
"	"	Normal School, "	15,508 60
"	"	" " Int. "	1,965 25
"	"	Swamp Land "	51,459 78
"	"	" " Int. "	14,745 24
"	"	Contingent "	392 35
"	"	Treasury Notes, "	731 00
"	"	Mich. C. R. R. deposit,	2,056 41
"	"	" S. " "	206 72
"	"	St. Jo. Valley R. R. "	115 00
"	"	Oakland & O. " "	8 58
Total,			<u>\$882,000 19</u>

GENERAL FUND.

DEBIT.

1856.

Nov. 29.	To warrants paid during fiscal year,	\$349,585 26
"	" amount transferred to University interest, ..	16,203 87
"	" " " " Swamp land interest, ..	3,531 40
"	" " " " Primary school int. . .	40,550 99
"	" " " " Normal " " ..	6,767 81
"	" " " " Internal Im't Fund, ..	75,847 03
Total,		<u><u>\$492,486 36</u></u>

GENERAL FUND.

CREDIT.

1856.

Nov. 29.	By balance Nov. 30, 1855,	\$ 16,306 53
"	" receipts during fiscal year,	293,746 92
"	" balance Nov. 29, 1856,	182,432 91
Total,		<u><u>\$492,486 36</u></u>

INTERNAL IMPROVEMENT FUND.

DEBIT.

1856.

Nov. 29.	To balance Nov. 30, 1855,	\$350,760 53
"	" warrants paid during fiscal year,	93,624 87
Total,		<u><u>\$444,385 40</u></u>

NORMAL SCHOOL INTEREST.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$ 3,850 11
“ “ receipts during fiscal year,	2,715 07
“ “ amount transferred from General Fund,	6,767 81
Total,	<u>\$18,832 99</u>

SWAMP LAND FUND.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$ 17 12
“ “ balance Nov. 29, 1856,	51,459 78
Total,	<u>\$51,476 90</u>

SWAMP LAND FUND.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$49,148 58
“ “ receipts during fiscal year,	2,328 32
Total,	<u>\$51,476 90</u>

SWAMP LAND INTEREST.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$ 344 17
“ “ balance Nov. 29, 1856,	14,745 24
Total,	<u>\$15,089 41</u>

PRIMARY SCHOOL INTEREST.

CREDIT.

1856.

Nov. 29. By balance, Nov. 30, 1855,.....	\$32,807 56
" receipts during fiscal year,.....	62,310 56
" amount transferred from general fund,.....	40,550 99
Total,.....	<u><u>\$135,169 11</u></u>

UNIVERSITY FUND.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,.....	\$ 181 00
" balance, Nov. 29, 1856,.....	137,128 86
Total,.....	<u><u>\$137,259 86</u></u>

UNIVERSITY FUND.

CREDIT.

1856.

Nov. 29. By balance, Nov. 30, 1855,.....	\$129,088 73
" receipts during fiscal year,.....	8,171 13
Total,.....	<u><u>\$137,259 86</u></u>

UNIVERSITY INTEREST.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$34,724 17
Total,.....	<u><u>\$34,724 17</u></u>

APPENDIX.

UNIVERSITY INTEREST.

CREDIT.

1856.

Nov. 29. By balance, Nov. 30, 1855,	\$ 208 00
" receipts during fiscal year,	18,307 42
" amount transferred from general fund,	16,203 87
" balance, Nov. 29, 1856,	4 28
Total,	<u>\$34,724 17</u>

STATE BUILDING FUND.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$ 5,000 00
" balance, Nov. 29, 1856,	8,026 16
Total,	<u>\$13,026 16</u>

STATE BUILDING FUND.

CREDIT.

1856.

Nov. 29. By balance of account, Nov. 30, 1855,	\$10,869 44
" receipts,	2,156 72
Total,	<u>\$13,026 16</u>

ASYLUM FUND.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$44,192 13
" balance, Nov. 29, 1856,	10,182 30
Total,	<u>\$54,374 43</u>

APPENDIX.

539.

ASYLUM FUND.

CREDIT.

1856.

Nov. 29. By balance, Nov. 30, 1855,	\$49,750 51
" receipts during fiscal year,	4,623 92
Total,	<u>\$54,374 43.</u>

NORMAL SCHOOL FUND.

DEBIT.

1856.

Nov. 29. To balance Nov. 29, 1856,	\$15,508 60
Total,	<u>\$15,508 60.</u>

NORMAL SCHOOL FUND.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$11,045 13
" " receipts during fiscal year,	4,463 47
Total,	<u>\$15,508 60.</u>

NORMAL SCHOOL INTEREST.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$11,367 74
" " balance Nov. 29, 1856,	1,965 25
Total,	<u>\$13,332 99.</u>

NORMAL SCHOOL INTEREST.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$ 3,850 11
“ “ receipts during fiscal year,	2,715 07
“ “ amount transferred from General Fund,	6,767 81
Total,	<u>\$18,332 99</u>

SWAMP LAND FUND.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$ 17 12
“ “ balance Nov. 29, 1856,	51,459 78
Total,	<u>\$51,476 90</u>

SWAMP LAND FUND.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$49,148 58
“ “ receipts during fiscal year,	2,328 32
Total,	<u>\$51,476 90</u>

SWAMP LAND INTEREST.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$ 344 17
“ “ balance Nov. 29, 1856,	14,745 24
Total,	<u>\$15,089 41</u>

SWAMP LAND INTEREST.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$6,939 01
“ “ receipts during fiscal year,	4,619 00
“ “ amount transferred from General Fund,	3,531 40
Total,	<u>\$15,089 41</u>

CONTINGENT FUND.

DEBIT.

1856.

Nov. 29. By balance Nov. 29, 1856,	\$392 35
Total,	<u>\$392 35</u>

CONTINGENT FUND.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$392 35
Total,	<u>\$392 35</u>

TREASURY NOTES.

DEBIT.

1856.

Nov. 29. To balance Nov. 29, 1856,	\$731 00
Total,	<u>\$731 00</u>

TREASURY NOTES.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$781 00
Total,	<u>\$781 00</u>

MICH. CENTRAL R. R. DEPOSIT.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year,	\$ 92 00
" " balance Nov. 29, 1856,	2,056 41
Total,	<u>\$2,148 41</u>

MICH. CENTRAL R. R. DEPOSIT.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855,	\$2,148 41
Total,	<u>\$2,148 41</u>

MICH. SOUTHERN R. R. DEPOSIT.

DEBIT.

1856.

Nov. 29. To balance Nov. 29, 1856,	\$206 72
Total,	<u>\$206 72</u>

MICH. SOUTHERN R. R. DEPOSIT.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855, \$206 72

Total, \$206 72

ST. JOSEPH VALLEY R. R. DEPOSIT.

DEBIT.

1856.

Nov. 29. To balance Nov. 29, 1856, \$115 00

Total, \$115 00

ST. JOSEPH VALLEY R. R. DEPOSIT.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855, \$115 00

Total, \$115 00

OAKLAND AND OTTAWA R. R. DEPOSIT.

DEBIT.

1856.

Nov. 29. To warrants paid during fiscal year, \$50 00

" " balance Nov. 29, 1856, 8 58

Total, \$58 58

OAKLAND AND OTTAWA R. R. DEPOSIT.

CREDIT.

1856.

Nov. 29. By balance Nov. 30, 1855.....	\$55 88
“ “ receipts during fiscal year,.....	2 70
Total	<u>\$58 58</u>

ST. MARY'S CANAL FUND.

DEBIT.

1856.

Nov. 29. To balance Nov. 30, 1856,.....	\$1,774 72
Total,.....	<u>\$1,774 72</u>

ST. MARY'S CANAL FUND.

CREDIT.

1856.

Nov. 29. By balance Nov. 29. 1856.....	\$1,774 72
Total,.....	<u>\$1,774 72</u>

Statement showing the condition of the Funds of the Farmers' and Mechanics' Bank of Michigan, on the 1st day of December, 1856.

RESOURCES.

Cash, viz.:

Coin,	\$16,879 29	
Notes and checks on other banks,	31,770 35	
Cash items,	2,047 00	
	<hr/>	\$50,696 54
Due from eastern banks subject to sight draft,		25,053 40
Stocks,		7,325 00
Michigan State bonds,		137,000 00
Bills discounted,		316,279 63
Bonds and mortgages,		81,692 16
Real estate,		65,855 14
		<hr/>
		<u>\$683,906 87</u>

LIABILITIES.

Capital stock,	\$191,489 95
Bank notes,	137,000 00
Dividends unpaid,	295 00
Collection accounts,	708 05
Bonds and bills payable,	42,646 73
Due banks,	6,460 39
“ depositors,	255,267 40
Profit and loss on account of old stock,	50,039 35
	<hr/>
	<u>\$683,906 87</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

J. C. W. Seymour, cashier of the Farmers' and Mechanics' Bank of Michigan, being duly sworn, deposes and says, that the above statement exhibits the true condition of said bank on the 1st day of December, 1856, to the best of his knowledge and belief.

J. C. W. SEYMOUR, *Cashier.*

Subscribed and sworn to before me this twenty-fourth day of December, A. D. 1856.

J. L. LANGLEY, *Notary Public.*

*Statement of the condition of the Michigan Insurance Company of
Detroit, on the morning of the 1st day of December, 1856.*

RESOURCES.

Gold and silver coin,	\$47,532 86	
Notes of other banks,	50,242 00	
Office notes on hand,	4,921 00	
Due from banks and bankers,	107,522 59	
	<hr/>	\$210,218 45
Bills discounted,		651,317 94
Bonds and mortgages,		17,241 00
Real estate,		22,673 09
State stock of State of Michigan,	\$159,133 60	
Bank and other stocks,	20,310 00	
	<hr/>	179,443 60
Bank plates and office furniture,		5,816 83
		<hr/>
		<u>\$1,086,210 41</u>

LIABILITIES.

Capital stock,	\$200,010 00
Profits,	62,262 71
Bank notes in circulation secured by stocks, \$148,009 00	
Bank notes in circulation, individual liability, 117,195 00	
	<hr/>
	265,204 00
Deposits,	526,498 05
Due to other banks,	32,235 65
	<hr/>
	<u>\$1,086,210 41</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

Henry K. Sanger, cashier of the Michigan Insurance Company, being sworn, says the above statement is a true exhibit of the condition of the said bank, according to the best of his knowledge and belief.

H. K. SANGER,
Cashier.

Sworn and subscribed before me, this }
1st day of December, 1856. }

S. M. HOLMES,
State Treasurer.

APPENDIX.

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Statement of the condition of the Peninsular Bank, Dec. 23, 1856.

RESOURCES.

Due from banks and bankers,	\$107,497 99	
Bills in transit,	250 52	
		\$107,748 51
Cash—gold and silver,	\$26,151 19	
“ notes of other banks, principally		
New England,	76,183 00	
Cash items—checks on other banks,	7,094 00	
“ “ “ this bank,	5,855 38	
		115,288 57
Foreign bills of exchange,		401,646 08
Domestic bills,		321,722 79
Bonds and mortgages,		10,000 00
Due from others, not included above,		1,906 09
Michigan bonds and warrants,		6,435 40
State bonds deposited with State Treasurer,		256,683 71
Premium paid for same,		1,502 24
Expense account,		1,328 00
Personal property,		2,402 85
Bank Fixtures,		3,426 63
Contingent account,		6,011 43
Expended on banking house and lot,		15,857 82
		<u>\$1,251,954 62</u>

LIABILITIES.

Due depositors,	\$561,788 87
Due other banks and bankers,	49,105 90
Circulation,	\$256,183 00
Less the amount on hand,	1,200 00
	<u>254,983 00</u>
Profit and loss,	26,076 85
Capital stock,	350,000 00
Due real estate, on time,	10,000 00
	<u>\$1,251,954 62</u>

STATE OF MICHIGAN, }
Wayne County, } ss.

Henry T. Stringham, the Assistant Cashier of the Peninsular Bank, being sworn, deposes and says, that the above is a true statement of the condition of the accounts of the Peninsular Bank, on the 23d inst., as likewise of the cash on hand at that time.

HENRY T. STRINGHAM

Subscribed and sworn to before me, this }
24th day of December, A. D. 1856. }

J. L. LANGLEY,

Notary Public.

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